

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	
)	
J. RANDOLPH PARRY ARCHITECTS, P.C., <i>et al.</i> ,)	
)	No. 5:20-cv-06249-JMG
Defendants,)	
)	
and)	
)	
GAHC3 BETHLEHEM PA ILF, LLC, <i>et al.</i> ,)	
)	
Rule 19 Defendants.)	

**CONSENT ORDER BETWEEN PLAINTIFF UNITED STATES AND DEFENDANT
HCRI PENNSYLVANIA PROPERTIES, INC.**

I. INTRODUCTION

1. This action is brought by the United States to enforce provisions of the Fair Housing Act (“FHA”), 42 U.S.C. §§ 3601-3619 and the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12181-12189. Specifically, the United States’ Second Amended Complaint alleges that Defendants have engaged in a pattern or practice of discrimination against persons with disabilities and denied rights to a group of persons because of disability by failing to design and construct covered multifamily dwellings with the features of accessible and adaptive design and construction required by the FHA, 42 U.S.C. § 3604(f)(1), (f)(2), and (f)(3), and as required by the ADA, 42 U.S.C. § 12183(a)(1). *See* ECF No. 41. These covered multifamily dwelling units include properties for seniors, including independent living, assisted living, and memory support dwelling units.

2. The United States and Defendant HCRI Pennsylvania Properties, Inc., a Pennsylvania corporation (“HCRI” or “Defendant”), have entered into this Consent Order

(hereinafter “Order”) (collectively “Parties”) and agree that this Court has jurisdiction over the subject matter of this case under 28 U.S.C. §§ 1331 and 1345, and 42 U.S.C. §§ 3614(a) and 12188(b)(1)(B). The Parties further agree that this controversy should be resolved without further proceedings and without an evidentiary hearing or a trial.

3. Specifically, as to HCRI, the United States alleges that HCRI engaged in a pattern or practice of discrimination and a denial of rights based on disability when it failed to design and construct the Birches of Harleysville with the accessibility features required by the FHA and ADA. The United States’ Second Amended Complaint alleges that accessibility violations at the Birches at Harleysville include, but are not limited to, barriers at accessible routes, barriers at common-use laundry rooms, activity rooms, and amenities, unit closets that are too narrow, and insufficient clear floor space in unit bathrooms.

4. HCRI denies that it engaged in any form of intentional or willful discrimination against persons with disabilities and states that at all times it has attempted to comply with all applicable federal laws, including those requiring accessibility such as the FHA and ADA in the design and construction of the Birches at Harleysville by, *inter alia*, contracting with experienced design and construction professionals. HCRI acknowledges that its obligations to comply with the FHA and the ADA are non-delegable, and it must comply with the FHA and the ADA itself despite assurances of compliance with all applicable laws, rules, regulations, guidelines, and ordinances made by these design and construction professionals.

5. The Parties agree that this Order is being entered into by HCRI as a compromise of disputed claims, and to avoid the cost and burden of litigation, and should not be deemed an admission of liability by HCRI.

6. As indicated by the signatures appearing below, the Parties agree to the entry of this Order.

II. DEFINITIONS

7. “Subject Property” means the Birches at Harleysville, a memory care and personal care facility located at 691 Main Street, Harleysville, PA 19438 and referred to in the Complaint, as amended, as “Phase 2” of the “Arbour Square” property and/or as the “Birches at Arbour Square.” For specificity, the “Birches at Harleysville” does not refer to the properties identified in the Complaint, as amended, as “Phase 1” or “Phase 3” of the “Arbour Square” property,.

8. “Defendant” means HCRI Pennsylvania Properties, Inc..

9. “Accessible Design Requirements” means the requirements that are listed in the accessible and adaptive design provisions of the FHA and stated in paragraph 15.

10. “Inspection Report” is the report created after the implementation of the retrofits required in Appendices A and B, and Neutral Inspection by an inspector which will describe any deficiencies in the required retrofits at the Subject Property, including digital photographs.

III. RECITALS

A. Subject Property

11. As set forth herein, and in the Second Amended Complaint, HCRI owned the Birches at Harleysville at the time of its the design and construction. The Birches at Harleysville is a 69-unit memory care and personal care facility that offers various amenities to its residents. Care HSL Harleysville PropCo LP is the current owner and operator of the Birches at Harleysville.

12. For purposes of this Order, the Parties agree that the Birches at Harleysville is subject to the accessible design and construction requirements of the FHA, 42 U.S.C. § 3604(f)(1), (f)(2), and (f)(3), and the ADA, 42 U.S.C. § 12183(a)(1).

B. Relevant Requirements of the Fair Housing Act

13. The FHA provides that, for residential buildings with an elevator consisting of four or more dwelling units, all units that are designed and constructed for first occupancy after March 13, 1991, are “covered multifamily dwellings” and must include certain basic features of accessible and adaptive design to make such units accessible to or adaptable for use by persons with disabilities. 42 U.S.C. § 3604(f)(3)(C) and (f)(7)(A).

14. The FHA provides that, for non-elevator residential buildings with four or more dwelling units, all ground-floor units that are designed and constructed for first occupancy after March 13, 1991, are “covered multifamily dwellings” and must include certain basic features of accessible and adaptive design to make such units accessible to or adaptable for use by persons with disabilities. 42 U.S.C. § 3604(f)(3)(C) and (f)(7)(B).

15. The Accessible Design Requirements in the FHA for covered multifamily dwellings include: (i) the public use and common use portions of such dwellings must be readily accessible to and usable by persons with a disability; (ii) all the doors designed to allow passage into and within all premises within such dwellings must be sufficiently wide to allow passage by persons with a disability using wheelchairs; (iii) all premises within such dwellings must contain the following features of adaptive design: (I) an accessible route into and through the dwelling; (II) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations; (III) reinforcements in bathroom walls to allow later installation of grab bars; and (IV) usable kitchens and bathrooms such that an individual using a wheelchair can maneuver about the space. 42 U.S.C. § 3604(f)(3)(C).

16. For the purposes of this Order, HCRI agrees that the Subject Property was designed and constructed for first occupancy after March 13, 1991, and therefore all the units in buildings with elevators and the ground-floor units in non-elevator buildings at the Subject Property are

“covered multifamily dwellings” within the meaning of the FHA, 42 U.S.C. § 3604(f)(7)(A) and (B). As such, those units and the public and common use areas, including the accessible pedestrian routes at the Subject Property, must comply with the Accessible Design Requirements of 42 U.S.C. § 3604(f)(3)(C).

C. Relevant Requirements of the ADA

17. The ADA and the ADA Standards for Accessible Design, ADA Accessibility Guidelines for Buildings and Facilities, 28 C.F.R. pt. 36, app. A (“ADA Standards”), that have been issued by the U.S. Department of Justice (the “Department”) to implement the design and construction requirements of Title III of the ADA, also require that all “public accommodations” designed and constructed for first occupancy after January 26, 1993, and the goods, services, facilities, privileges, advantages, or accommodations of those public accommodations, be readily accessible to and usable by persons with disabilities in accordance with certain accessibility standards promulgated under that Act. 42 U.S.C. §§ 12182(a) and 12183(a)(1). A rental or sales office for an apartment, condominium, or patio home complex is a “public accommodation” under the ADA. 42 U.S.C. § 12181(7)(E).

18. For the purposes of this Order, HCRI agrees that the rental offices at the Subject Property were designed and constructed for first occupancy after January 26, 1993, and therefore the rental offices and the facilities and privileges provided at those offices, such as public parking, are required to be designed and constructed in accordance with the standards promulgated under the ADA.

ACCORDINGLY, it is hereby ORDERED, ADJUDGED, and DECREED:

IV. GENERAL INJUNCTION

19. HCRI and its officers, employees, agents, successors, and assigns, and all other persons in active concert or participation with them, are enjoined from discriminating on the basis of disability as prohibited by the FHA and the ADA.

V. RETROFITS

20. The United States, as set forth herein and in its Second Amended Complaint, alleges that the Subject Property does not meet the accessibility requirements of the FHA and, with respect to the sales and rental offices, the ADA, and the ADA Standards. *See* ECF No. 41. To address the United States' allegations, HCRI will complete the actions and retrofits described in this Section.

21. As soon as reasonably possible, but not later than twenty-four (24) months from the entry of this Order, HCRI will complete the retrofits to the Subject Property identified in Appendices A and B.

22. If any architectural or engineering drawings are prepared as part of the retrofitting of the Subject Property, HCRI will provide those drawings to the United States for comment and approval within fourteen (14) days of their preparation. The United States will provide comments within forty-five (45) days. HCRI will incorporate those comments into any relevant architectural or engineering plans and resubmit those to the United States for approval. This process will continue until the United States has no further comments on any retrofit architectural or engineering plans.

VI. INCONVENIENCE AND OVERNIGHT STAYS FOR RETROFITTING AT SUBJECT PROPERTIES

23. HCRI will endeavor to minimize inconvenience to residents in scheduling and performing retrofits required by this Order at the Subject Property.

24. Within thirty (30) days from the entry of this Order, HCRI will provide a notice that is substantially equivalent to Appendix C to Care HSL Harleysville Propco LP to provide to the present residents of the covered dwelling units at the Subject Property. The notice will inform residents in covered dwelling units that (1) the United States alleges that the covered dwelling units and public and common use areas do not meet the requirements of the FHA, the ADA, and the ADA Standards; (2) HCRI denies these allegations but has agreed to cooperate with the United States to resolve these allegations, HCRI has agreed to perform certain retrofits to the public and common use areas and the covered dwelling units; (3) the covered dwelling unit must be retrofitted within twenty-four (24) months; (4) HCRI will provide residents with a schedule of when the retrofits will be; (5) the retrofits will be performed at no cost to the resident; and (6) HCRI will, in consultation with the current owner, offer any resident of a unit scheduled to undergo a retrofit who will be dislocated from their unit for more than twelve hours consecutively a fully furnished unit at the property if one is available. If no unit is available, or relocation of the resident is not feasible given the circumstances of the resident, HCRI will be relieved of the time limitation in which to complete retrofits for that particular unit, and the retrofit inspection procedures described in Paragraphs 26 - 29 below can proceed without completion of the retrofits to that particular unit. The required retrofits must be completed to the unit when turned for a new resident, or three months prior to the end of the current term of this Order, whichever is sooner. Photographic evidence in compliance with the requirements of Appendix D of the retrofits performed at those specific units pursuant to this paragraph shall be sufficient evidence of the retrofit absent inspection by the neutral inspection.

25. If a resident desires to have the retrofits completed to the interior of his/her covered dwelling unit before the retrofits are scheduled to be performed by HCRI, the resident may request

the retrofits in writing, and the requests will be granted by HCRI on a first-come, first-served basis. HCRI must complete the retrofits as promptly as practical, but no later than forty-five (45) days from the date on which the retrofits were requested by a resident on a first-come, first-served basis.

VII. NEUTRAL INSPECTOR

26. HCRI has or will enter into a contract with one or more neutral inspector(s) to conduct on-site inspections of the retrofits that have been performed under this Order to determine whether the retrofits have been completed in accordance with the specifications in this Order's Appendices A and B. Prior to entering into the contract with the inspector(s), HCRI will submit the name(s) and resumes to the United States for approval. The inspector(s) will have expertise in the Accessible Design Requirements of the FHA, ADA, ADA Standards, ANSI A117.1-1986 and the HUD-recognized safe harbors, will not be affiliated with HCRI or its attorneys, and such expertise will be included in the submittal to the United States.

27. An inspection of the Subject Property will take place within forty-five (45) days of the completion of all of the retrofits to the Subject Property as set forth in the relevant Appendix, or as soon thereafter as practicable for each. HCRI will give the United States at least twenty-one (21) days prior written notice of any inspection, including any subsequent inspections as set forth in Paragraph 29, and will give the United States an opportunity to have its representatives present for the inspection.

28. The inspections will be conducted by the inspector in accordance with Appendix D, which will be provided to the inspector by HCRI.

29. The inspector will set out the results of each inspection in an Inspection Report, including deficits if any, in writing and will send that report to HCRI and the United States. The inspector will take digital photographs of any deficiencies identified at the Subject Property and will include those photographs in the Inspection Report. If the inspection indicates that not all the

required retrofits have been made as specified in Appendices A and B, HCRI will correct any applicable deficiencies within sixty (60) days and will pay for another inspection by the same inspector to certify that such deficiencies have been corrected. This process, including prior written notice to the United States of any inspections, will continue until the inspector certifies that all the retrofits required under this Order have been made. HCRI will pay all the inspector's reasonable costs associated with these inspections of the Subject Property, and such payments will be made without regard to the inspector's findings. Upon reasonable notice to HCRI, representatives of the United States will be permitted to inspect the retrofits made by HCRI in accordance with this Order, to ensure compliance; provided, however, that the United States will endeavor to minimize any inconvenience caused by such inspections.

VIII. TRANSFER OF INTEREST

30. The sale, foreclosure, or any other transfer of ownership, in whole or in part, whether voluntary or involuntary, of the Subject Property by its present owner will not affect HCRI's continuing obligation to retrofit the Subject Property as specified in this Order.

IX. NON-DISCRIMINATION IN FUTURE DESIGN AND CONSTRUCTION

31. During the term of this Order, HCRI will maintain and provide to the United States the following information and statements regarding any covered multifamily dwellings currently under construction or intended to be, or which actually are, purchased, developed, built, designed, constructed, or engineered in whole or in part, by any of them or by any entities in which they have a position of control as an officer, director, member, or manager, or have a ten-percent (10%) or larger ownership share:¹

- a. the name and address of the property;

¹ Such information and statements need not be maintained on properties for which a Defendant bids or expresses an interest, but does not become finally involved.

- b. a description of the property and the individual units;
- c. the name, address, and telephone number of the civil engineer(s) involved with the project;
- d. a statement from the civil engineer(s) involved with the property acknowledging and describing his/her knowledge of and training in the Accessible Design Requirements of the FHA, the ADA, the ADA Standards, ANSI A117.1-1986 and the field of accessible site design and certifying that he/she has reviewed the engineering documents for the project and that the design specifications therein fully comply with the requirements of the FHA, the ADA, the ADA Standards, and ANSI A117.1-1986 or a HUD-recognized safe harbor used in its entirety;
- e. the name, address and telephone number of the architect(s) involved with the property;
- f. a statement from all architect(s) involved with the property acknowledging and describing his/her knowledge of and training in the Accessible Design Requirements of the FHA, the ADA, the ADA Standards, and ANSI A117.1-1986 and certifying that he/she has reviewed the architectural plans for the property and that the design specifications therein fully comply with the requirements of the FHA, the ADA, the ADA Standards, and ANSI A117.1-1986 or a HUD-recognized safe harbor used in its entirety;
- g. if the engineering documents or architectural plans are revised, and the revisions could have any impact on the accessibility of the dwellings or property, Defendant will obtain, maintain, and provide to the United States

upon request, a statement from the civil engineer(s) or architect(s) involved with the property that all specifications in the revised engineering documents or architectural plans, as pertinent, comply with the Accessible Design Requirements of the Fair Housing Act, the ADA, the ADA Standards, and ANSI A117.1-1986 or a HUD-recognized safe harbor used in its entirety.

32. HCRI will provide to the United States a copy of any architectural or engineering plans and related construction documents for any newly designed or constructed property identified as described in Paragraph 31 upon request.

X. SETTLEMENT FUND AND PAYMENTS TO AGGRIEVED PERSONS

33. Within thirty (30) from the entry of this Order, HCRI will deposit in an interest-bearing escrow account the sum of \$40,000 for the purpose of compensating any aggrieved persons whom the United States determines were harmed by HCRI's alleged discriminatory housing practices (hereinafter "aggrieved persons"). This account will be referred to as the "Settlement Fund." Within fifteen (15) days of the establishment of the Settlement Fund, HCRI will submit proof to the United States that the account has been established and the funds deposited.

34. Any interest accruing to the Settlement Fund will become a part of the Settlement Fund and be used as set forth herein. HCRI will be solely responsible for any taxes assessed or owed on any interest earned on money deposited pursuant to Paragraph 33 above.

35. Within sixty (60) days from the entry of this Order, HCRI will publish the Notice to Potential Victims of Alleged Housing Discrimination (the "Notice") at Appendix E informing readers of the availability of compensatory funds. The Notice will be no smaller than three columns by six inches and will be published on three occasions in at least one newspaper of general circulation serving the locality where the Subject Property is located. The publication dates will

be separated from one another by twenty-one (21) days, and at least two of the publication dates will be on a Sunday. The Notice will be included in both hardcopy and online versions of the newspaper. Within ten (10) days of each publication date, HCRI will provide the hardcopy newspaper and online newspaper containing the Notice to the United States.

36. Within sixty (60) days from the entry of this Order, HCRI will send, by first-class mail, postage pre-paid, a copy of the Notice to each past or present resident or last known next of kin or other responsible party, as applicable, at the Subject Property whose name and last known mailing address are provided to HCRI by Care HSL Harleysville Propco LP based upon information in Care HSL Harleysville Propco LP's possession, custody, or control. For past residents, HCRI will have complied with the requirements of this paragraph by mailing such notice to the forwarding address provided by the resident at the time the former resident moved out. If a former resident is deceased, or a current resident is legally unable to make decisions for him- or herself, HCRI will send a copy of the Notice set forth in Appendix E to the last known next of kin or other responsible party identified in the records provided by the Care HSL Harleysville Propco LP, its agents, or the Subject Property's manager. Within ninety (90) days from the entry of this Order, HCRI will provide to the United States a declaration affirming that the Notice has been sent and a spreadsheet showing each recipient's name, address, and date the Notice was sent.

37. Nothing in this Order will preclude the United States from making its own efforts to locate and provide notice to potential aggrieved persons.

38. Potential aggrieved persons will have twelve (12) months from the entry of this Order to contact the United States. The United States will investigate the claims of allegedly aggrieved persons and will inform Defendants as to its determination as to which persons are aggrieved and an appropriate amount of damages (plus accrued interest) that should be paid to

each aggrieved person. HCRI agrees that the determinations of the United States will be final, and HCRI hereby waives the right to contest the United States' determination in this or any other proceeding.

39. The United States will submit its final recommendations to the Court for approval in the form of a Stipulated Order. Within twenty (20) days from the entry of a Court order providing for the distribution of funds, HCRI will deliver to the United States, by overnight delivery, a separate check payable to each aggrieved person in the amounts stated in the Stipulated Order.

40. In no event will the aggregate of all such checks exceed the sum of the Settlement Fund, plus accrued interest.

41. When the United States has received a check from HCRI payable to an aggrieved person and a signed release in the form of Appendix F from the aggrieved person, the United States will deliver the check to the aggrieved person and the original, signed release to HCRI. No aggrieved person will be paid until he or she has executed and delivered to the United States the release at Appendix F.

42. If any money remains in the Settlement Fund after all aggrieved persons identified by the United States have been compensated, the remainder will be paid to the United States Treasury in the form of an electronic funds transfer in accordance with written instructions to be provided by the United States.

XI. EDUCATIONAL PROGRAM

43. Within thirty (30) days from the entry of this Order, HCRI will provide a copy of this Order to its principals who are involved in the design or construction of any covered multifamily dwellings and secure the signed statement from each agent or employee acknowledging that he or she has received and read the Order and has had an opportunity to have

questions about the Order answered. This statement will be substantially similar to the form of Appendix G.

44. During the term of this Order, within thirty (30) days after the date he or she commences an agency or employment relationship with HCRI, each new agent or employee involved in the design and construction of the Subject Property or other covered multifamily dwelling will be given a copy of this Order and be required to sign the statement acknowledging that he or she has received and read the Order, and has had an opportunity to have questions about the Order answered. This statement will be substantially similar to the form of Appendix G.

45. HCRI will also ensure that it and its employees and agents who have authority over the design and/or construction of covered multifamily dwellings have a copy of, are familiar with, and personally review the Fair Housing Accessibility Guidelines, 56 Fed. Reg. 9472 (1991), and the United States Department of Housing and Urban Development, Fair Housing Act Design Manual, A Manual to Assist Builders in Meeting the Accessibility Requirements of the Fair Housing Act, (August 1996, Rev. April 1998). Defendant and all employees and agents whose duties, in whole or in part, involve the management, sale, and/or rental of multifamily dwellings at issue in this case will be informed of those portions of the Fair Housing Act that relate to accessibility requirements, reasonable accommodations, and reasonable modifications.

46. Within ninety (90) days from the entry of this Order, HCRI and its employees and agents whose duties, in whole or in part, involve or will involve management authority over the development, design, and/or construction of multifamily dwellings, will undergo training on the design and construction requirements of the FHA and the ADA. The training will be conducted by a qualified individual, unconnected to HCRI or HCRI's attorneys, who has been approved in advance by the United States. Any expenses associated with this training will be borne by HCRI.

HCRI will provide to the United States, within thirty (30) days after the training, the name(s), address(es) and telephone number(s) of the trainer(s); copies of the training outlines, and any materials distributed by the trainers; and certifications executed by HCRI and covered employees and agents confirming their attendance, in a form substantially equivalent to Appendix H.

XII. NOTIFICATION AND DOCUMENT RETENTION REQUIREMENTS

47. In addition to all other reporting required herein, within one hundred eighty (180) days from the entry of this Order, HCRI will submit to the United States an initial report containing the reporting required by Sections IX and XI, and containing the signed statements of HCRI and its employees and agents who have completed the training program specified in Section XI of this Order. Thereafter, during the term of this Order, HCRI will, on a quarterly basis, submit to the United States a compliance report detailing the retrofitting and inspections of the retrofits at the Subject Property, including the status of retrofits and an estimated date of completion. In addition, on the anniversary of the entry of this Order, HCRI will submit to the United States a report required by Sections IX on the current and future design and construction, and containing the signed statements of new employees and agents as specified in Section XI of this Order, except that the last compliance report will be due sixty (60) days prior to the expiration of the Order.

48. During the term of this Order, HCRI will advise the United States in writing within fifteen (15) days of receipt of any written administrative or legal fair housing complaint against any property owned, managed, designed, or constructed by them, or against any employees or agents of HCRI working at or for any such property, regarding discrimination on the basis of disability in housing. Upon reasonable notice, HCRI will also provide the United States all information it may request concerning any such complaint. Defendant will also advise the United States, in writing, within fifteen (15) days of the resolution of any complaint.

49. During the term of this Order, HCRI is required to preserve all records related to this Order, to the Subject Property, and to any other covered multifamily dwellings designed, constructed, owned, operated, or acquired by them during the term of this Order. Upon reasonable notice to HCRI, representatives of the United States will be permitted to inspect and copy any records of Defendant or inspect any properties or dwelling units under the control of HCRI bearing on compliance with this Order at any and all reasonable times, provided, however, that the United States will endeavor to minimize any inconvenience to HCRI and residents from such inspections.

XIII. COOPERATION IN CONTINUED LITIGATION

50. HCRI agrees to continue to cooperate with the United States' claims against Parry. Although the Parties agree that, as of the date of entry of this Order, litigation is not "reasonably foreseeable" with HCRI concerning the subject matter of the United States' Second Amended Complaint, HCRI agrees that to the extent that it previously implemented a litigation hold to preserve documents, electronically stored information, or things related to the matters described herein, it will continue to do so until any claims against Parry involving the Subject Property have been resolved. HCRI will, upon reasonable notice from the United States, provide access to documents within its possession or employees or agents with knowledge of the design and construction of the Subject Property.

51. The Parties understand that Mark J. Mazz, AIA, may be used by the United States as an expert and/or fact witness, at its expense, with regard to his prior inspection of the Subject Property, and HCRI agrees to waive any privileges it might otherwise have in its agreement with Mr. Mazz to permit such consultation or testimony.

52. HCRI will provide to the United States estimates of the cost of all retrofits from an independent contractor, as well as documentation of all out-of-pocket expenses incurred during the retrofits. The United States intends to include in its claims against, or any settlement with

Parry, a repayment to HCRI of a portion or all of the retrofit costs, but HCRI acknowledges that the United States can make no promises regarding the outcome of future litigation.

XIV. DURATION OF CONSENT ORDER AND TERMINATION OF LEGAL ACTION

53. This Order will remain in effect until six (6) months after the inspector(s) have certified that all the retrofits required by this Order have been completed, or the conclusion of the litigation by either consent order or court order, whichever date is later. Provided, however, that the reporting requirements in Paragraphs 48 and 49 shall end twelve (12) months after the inspector(s) have certified that all the retrofits required by this Order have been completed, regardless of the status of the litigation.

54. By consenting to entry of this Order, the Parties agree that in the event that HCRI engages in any future conduct occurring after entry of this Order that leads to a determination of a violation of the FHA, such conduct will constitute a “subsequent violation” under 42 U.S.C. § 3614(d)(1)(C)(ii).

55. The Court will retain jurisdiction for the duration of this Order to enforce the terms of the Order; at the expiration of the Order, the case will be dismissed with prejudice. The United States may move the Court to extend the duration of the Order in the interests of justice.

56. All Parties will endeavor, in good faith, to resolve informally any differences regarding interpretation of and compliance with this Order prior to bringing such matters to the Court for resolution. However, in the event of a failure by Defendant to perform, in a timely manner, any act required by this Order or otherwise for its failure to act in conformance with any provision thereof, the United States may move this Court to impose any remedy authorized by law or equity, including, but not limited to, an order requiring performance of such act or deeming such act to have been performed, and an award of any damages, costs, and reasonable attorneys’ fees which may have been occasioned by the violation or failure to perform.

XV. TIME FOR PERFORMANCE

57. Any time limits for performance imposed by this Order may be extended by the mutual written agreement of the United States and HCRI.

Dated: 06/02/2023

/s/ John M. Gallagher

United States District Judge

FOR THE UNITED STATES:

Respectfully submitted,

KRISTEN CLARKE
Assistant Attorney General

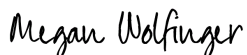
/s/ Lauren M. Marks
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United States of America

FOR DEFENDANT:

HCRI PENNSYLVANIA PROPERTIES, INC.

DocuSigned by:

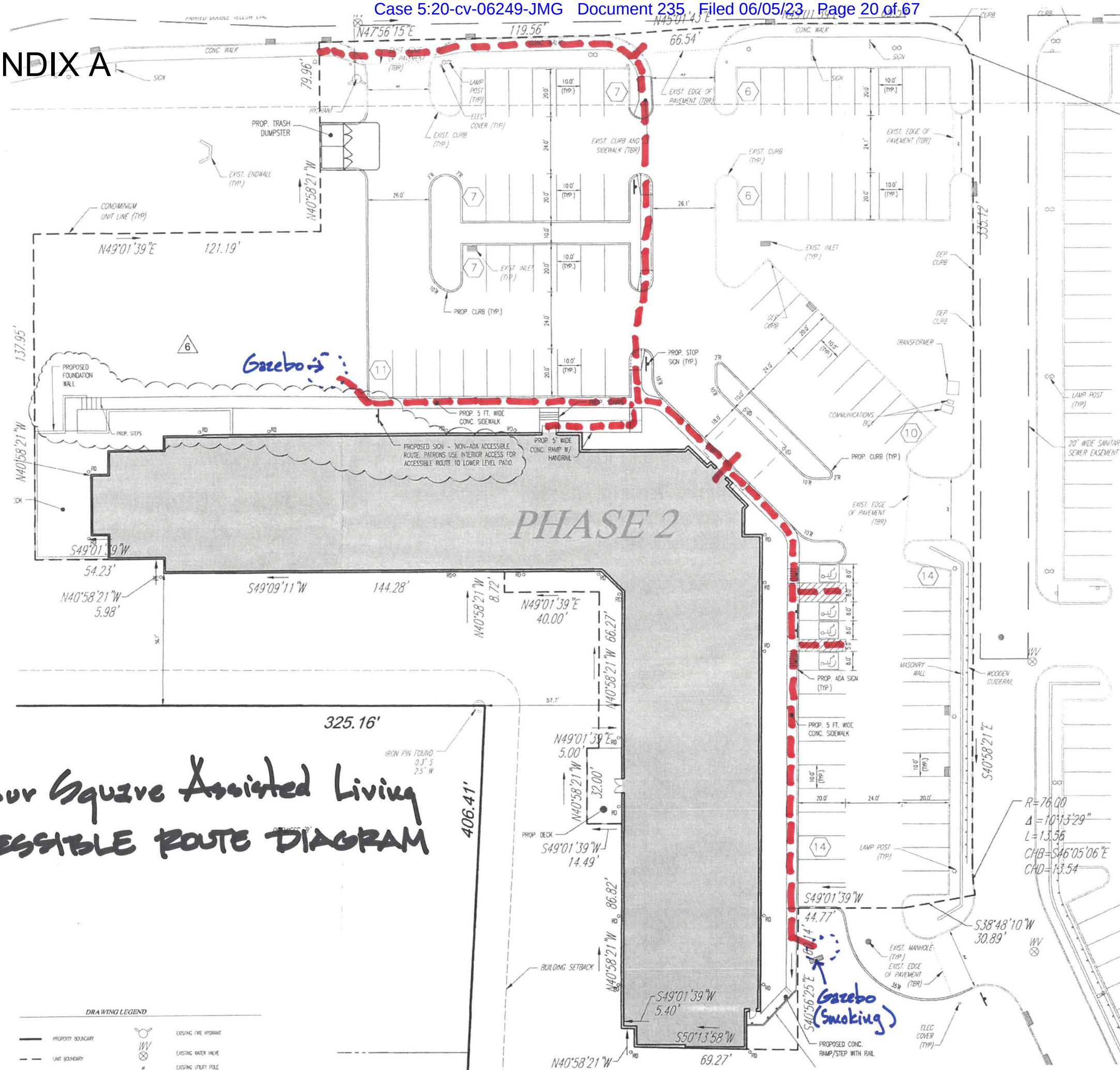
A handwritten signature in blue ink that reads "Megan Wolfinger".

DF9567D7370B4CB...

By: Megan Wolfinger

Title: Manager

APPENDIX A



REVISIONS:		
REV	DATE:	COMMENT
1	02/27/08	GENERAL REV
2	03/05/08	WATER LINE REV PROVIDE STOCKPILE
3	04/30/08	REV PER TOW ENGINEER COM
4	5/20/08	REVISED CURB ELEVATION
5	07/23/08	REV. PER TOW ENGINEER COMM
6	12/23/08	REV PER SIDE EXTENSION

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
1	Construction began around 2008. It and has 119 dwelling units. There are 88 parking spaces, of which 4 are designated as accessible. Building was under renovation during my site visit. Renovations on the first and second floors altered a few of the dwelling units, an outdoor seating area, and replaced floor finishes in common use areas. On the garden level, walls were relocated and space functions changed.		
1A	Interior Common Areas - Dwelling unit entries. Each dwelling unit entry has a package shelf and a light sconce.	Package shelf lacks a cane detectable barrier. Install permanent cane detectable barrier such as a second shelf, a bracket, a leg or other feature located at no more than 27" above the finish floor.	4192, 4193
1B	Accessible exterior routes are required to the public way, parking, drop-off, and to all site amenities. Cross slopes at accessible routes may not exceed 2%. Route to east gazebo (smoking area): 5% cross-slope (4787), 5.6% cross slope (4789). Sidewalk between north parking and gazebo (near curb ramp): 6.0% cross slope (4791). Sidewalk at head of north parking area: 7.1% (4793), 11.3% (4795). Route to Leasing Office (ADA): sidewalk west of north parking area: 7.0% cross slope (4813), walk at corner of building 3.9% cross slope (4815). Route to the PROW and to walk by west wing from leasing: 3.0% cross slope just east and south of the entry porch area (4833, 4834), 3.2% to 3.4% just west of entry portico, 6.7% immediately before turn to the south. Walk parallel with west wing (route to front gazebo): 3.5% at east end, 4.2% moving to the west, 3.7% to 4.0% slopes along the walk by parking (section at west third of the walk has slopes of 2.3% to 2.6%), walk approaching turn to west gazebo and at gazebo sidewalk is 3.2%.	Remove and repour all portions of the required accessible routes as required to provide complete continuous routes with running slopes of no more than 5% and cross slopes of no more than 2%. Note: measurements taken appear to identify cross slopes at roughly every 4th or 5th flag. Scope of work must include all flags located at required accessible routes which have cross slope of more than 2%, or running slopes of more than 5%. Running slopes between 5% and 8.3% are allowed at curb ramps and ramps. See Accessible Route Diagram.	

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
1C	Accessible exterior routes are required to the public way, parking, drop-off, and to all site amenities. Cross slopes at accessible routes may not exceed 2%. Walk from west end of portico to main drive (heading north): 5.5% cross slope where walk turns south (4835, 4836), 5.7% cross slope at turn to walk leading to PROW (4838), 4.8% walk parallel with parking space leading to PROW (4840), 5.0% walk at top of curb ramp east of east drive lane (4842), 5.7% curb ramp east of east drive lane (4846), 4.6% curb ramp west of east drive lane (4850), walk between curb ramps at island (4852), 9.0% walk at west curb ramp at island (4854), 3.6% curb ramp.	Remove and repour all portions of the required accessible routes as required to provide complete continuous routes with running slopes of no more than 5% and cross slopes of no more than 2%. Note: measurements taken appear to identify cross slopes at roughly every 4th or 5th flag. Scope of work must include all flags located at required accessible routes which have cross slope of more than 2%, or running slopes of more than 5%. Running slopes between 5% and 8.3% are allowed at curb ramps and ramps. See Accessible Route Diagram.	
1D	Accessible exterior routes are required to the public way, parking, drop-off, and to all site amenities. Cross slopes at accessible routes may not exceed 2%. Walks at perimeter of building (parallel with east and west wings) have cross slopes greater than 2%. Route to east gazebo (smoking area): 5% cross-slope (4787), 5.6% cross slope (4789). Sidewalk between north parking and gazebo (near curb ramp): 6.0% cross slope (4791). Sidewalk at head of north parking area: 7.1% (4793), 11.3% (4795). Route to Leasing Office (ADA): sidewalk west of north parking area: 7.0% cross slope (4813), walk at corner of building 3.9% cross slope (4815). Route to the PROW and to walk by west wing from leasing: 3.0% cross slope just east and south of the entry porch area (4833, 4834), 3.2% to 3.4% just west of entry portico, 6.7% immediately before turn to the south. Walk parallel with west wing (route to front gazebo): 3.5% at east end, 4.2% moving to the west, 3.7% to 4.0% slopes along the walk by parking (section at west third of the walk has slopes of 2.3% to 2.6%), walk approaching turn to west gazebo and at gazebo sidewalk is 3.2%.	Remove and repour all portions of the required accessible routes as required to provide complete continuous routes with running slopes of no more than 5% and cross slopes of no more than 2%. Note: measurements taken appear to identify cross slopes at roughly every 4th or 5th flag. Scope of work must include all flags located at required accessible routes which have cross slope of more than 2%, or running slopes of more than 5%. Running slopes between 5% and 8.3% are allowed at curb ramps and ramps. See Accessible Route Diagram.	See list, column B.
1E	Accessible exterior routes are required to the public way, parking, drop-off, and to all site amenities. Cross slopes at accessible routes may not exceed 2%. Walk from the west side of the entry area leading to the side door has cross slopes greater than 2.0%. Walk at base of route to the side door: 5.4% cross slope at bottom, 6.9% to 7.7% at run parallel with the building.	Remove and repour all portions of the required accessible routes as required to provide complete continuous routes with running slopes of no more than 5% and cross slopes of no more than 2%. Note: measurements taken appear to identify cross slopes at roughly every 4th or 5th flag. Scope of work must include all flags located at required accessible routes which have cross slope of more than 2%, or running slopes of more than 5%. Running slopes between 5% and 8.3% are allowed at curb ramps and ramps. See Accessible Route Diagram.	

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
1F	Accessible exterior routes are required to the public way, parking, drop-off, and to all site amenities. Cross slopes at accessible routes may not exceed 2%. Route from the building entry area north to the main drive and west to the PROW has cross slopes greater than 2%. Walk from west end of portico to main drive (heading north): 5.5% cross slope where walk turns south (4835, 4836), 5.7% cross slope at turn to walk leading to PROW (4838), 4.8% to 9.0% at walk parallel with parking space leading to PROW (4840), 5.0% to 6.7% at top of curb ramp east of east drive lane (4842), 5.7% curb ramp east of east drive lane (4846), 4.6% curb ramp west of east drive lane (4850), 3.7% walk between curb ramps at island (4852), 9.0% walk at west curb ramp at island (4854), 3.6% curb ramp west of west drive lane (4862), 3.7% to 5.4% at walk between west drive lane and turn to PROW, 6.7% curb ramp at intersection with main drive, 4.3% to 5.3% at walk parallel with main drive (between vehicular entry points), 10.3% approaching east curb ramp at second vehicular entry, 15.2% to 15.5% at east curb ramp at second vehicular entry, 4.9% to 5.5% crossing second vehicular drive, 9.1% approaching west curb ramp at second vehicular drive, 6.7% at west curb ramp at second vehicular drive.	Remove and repour all portions of the required accessible routes as required to provide complete continuous routes with running slopes of no more than 5% and cross slopes of no more than 2%. Note: measurements taken appear to identify cross slopes at roughly every 4th or 5th flag. Scope of work must include all flags located at required accessible routes which have cross slope of more than 2%, or running slopes of more than 5%. Running slopes between 5% and 8.3% are allowed at curb ramps and ramps. See Accessible Route Diagram.	See list, column B.
1G	Accessible exterior routes are required to the public way, parking, drop-off, and to all site amenities. Running slopes at accessible routes may not exceed 5%. Slopes between 5% and 8.3% are ramps. Ramps which rise no more than 6" may omit handrails and edge protection. Walk between the two drive lanes in the parking lot has running slopes of 6.3% to 7.1% and rises more than 6". Ramped portion of walk lacks top and bottom landings.	Install handrails and edge protection at ramped section of walk. Remove and replace paving as required to provide a top and bottom landing at the ramp.	
1H	Accessible exterior routes are required to the public way, parking, drop-off, and to all site amenities. Running slopes at curb ramps may not exceed 8.3%. Running slope at curb ramp at turn to main drive is 11.2%. Running slope at curb ramp east side of east vehicular drive is 11.3%.	Remove and replace curb ramps.	
1I	Gaps perpendicular to the path of travel may not exceed 1/2" in width. Gaps greater than 1/2" occur in all sections of the routes. Gap at route to east gazebo is up to 1" wide. Gap at route between east parking and entry is 5/8" wide. Gaps in walk adjacent to west wing vary and are as much as 1-1/2" wide. Gaps at joint between detectable warning panels and adjacent paving are as much as 1" wide.	Replace or patch damaged concrete. Install filler at joint between slabs.	
1J	Door maneuvering clear space is required to be level (no more than 2% slope in running or cross directions). The door maneuvering space at the side entry slopes 3.2% away from the door.	Remove and replace concrete at door maneuvering clear space. Maintain 2% maximum slopes in the required door maneuvering space.	
1K	The minimum width of an exterior accessible route is 36". The width of the accessible routes from parking to leasing (near the front entry porch) and from the porch area to the walks beyond are both 31-1/2" .	Widen route to minimum 36".	4819, 4827

Appendix B

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
1L	Maximum running and cross slopes at access aisles serving designated accessible parking may not exceed 2.0%. Access aisle serving the designated van accessible parking space (the space serving the leasing office) is 3.5%.	Mill, repave and restripe as required to retrofit to maximum 2% slope.	
2	Gazebo: (Designated Smoking Area)		
3	Overhead objects along circulation paths must be at least 80" above the floor. (FHA Req. 2, 4.4.2) The underside of the lintel at the gazebo entrance is 74" above the floor.	Remove the decorative wood including the brackets. Ensure that the structure remains stable.	4777 - 4780
4	Objects may not protrude into the circulation path by more than 4" If the underside is more than 27" but less than 80" above the floor. (FHA Req. 2, 4.4.1) The brackets at the gazebo entrance project more than 4" beginning 65" above the floor.	See above.	4778, 4780
5	Accessible route must be at least 36" wide when longer than 24". (FHA Req. 1 or 2, 4.4.1) At one point, the accessible route is only 30 1/2" wide between the benches.	Trim the benches sufficiently to provide a 32" clear passageway.	4781, 4782
5A	First Floor Courtyard (at west end of MC wing):		
5B	Objects may not protrude into the circulation path by more than 4" If the underside is more than 27" but less than 80" above the floor. (FHA Req. 2, 4.4.1) The sconces at the courtyard area protrude 8-3/4" from the wall at a height of 61" above the courtyard surface.	Replace fixtures with new lights that are no more than 4" deep. Alternatively, install permanent cane detectable barrier at fixture.	
6	Garden Level Courtyard:		
7	Objects may not protrude into the circulation path by more than 4" If the underside is more than 27" but less than 80" above the floor. (FHA Req. 2, 4.4.1) The underside of the sconce light is 61" above the floor and protrudes 7 3/4" into the circulation path.	Replace with a fixture that is only 4" deep, or raise the bottom of the fixture to 80".	4329 - 4331

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
7A	Changes in level including door thresholds at common areas may not exceed 1/2" in height. Door threshold at first floor courtyard is 1-1/8" high.	Remove and replace threshold and paving as required to provide threshold maximum height of 1/2".	
7B	Accessible exterior routes are required to site amenities. Cross slopes at accessible routes may not exceed 2%. Route at the east end of the courtyard walk has a cross slope of 3.3% to 3.86%.	Remove and repour all portions of the required accessible routes as required to provide complete continuous routes with running slopes of no more than 5% and cross slopes of no more than 2%.	
7C	Gaps perpendicular to the path of travel may not exceed 1/2" in width. Gaps of 5/8" to 3/4" occur at the east end of the courtyard walk.	Install filler at joint between slabs.	
8	Garden Level Toilet Room:		
9	Common use interior doors must be openable with no more than 5-pounds force. Fire doors must be openable with the minimum opening force permitted by the local building/fire official. (FHA Req. 2, 4.13.11) The door requires about 9 pounds force.	Adjust the pressure to 5 pounds or less. Otherwise, replace the closer. Retrofit applies to all common area doors that are not fire rated.	4246, 4248
10	The top of the hook must be within reach. If an unobstructed side reach is possible, then it must be within 54" of the floor. (FHA Req. 2, 4.23.3) The hook is 66" above the floor.	Relocate existing hook or add a second hook. At least one hook to be no more than 48" above the floor to the top of the hook.	4249 - 4251
11	Lavatory knee space must extend at least 8" under the lavatory for a height of at least 27". (FHA Req. 2, 4.19.2.1) The knee space is only 6" deep at a height of 27".	The top of the lavatory is mounted 33 1/2" above the floor. Verify that if the lavatory is raised 1/2" that the knee space will increase to 8". (The overflow may protrude into the knee space.) If yes, then raise the lavatory. Otherwise, replace the lavatory with a shallower model.	4267, 4268
12	There must be at least 12" of clear space above the grab bar. (FHA Req. 2, 4.24.2) The framed print reduces the clear space to 10 1/2" above the rear grab bar.	Remount the framed print 2" higher.	4260, 4261
13	First Floor:		
14	A 36"-wide portion of the service counter must be no higher than 36". (ADA 1991, 7.2(2)) (ADA 2010, 227.3, 904.4) (FHA Req. 2, ANSI A117.1-1998 904.3 or 4.30.4) The entire reception counter is 45 1/2" above the floor. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the accessible counter to extend the same depth as the inaccessible counter and it is not.	Provide a counter such that a portion at least 36" wide and no more than 36" above the finished floor and as deep as the existing counter.	4520 - 4522
15	The mailboxes are above a counter that is less than 24" deep. A side reach is required. If the obstruction is less than 10" deep, the operable parts may not be mounted higher than 54". If it is more than 10" deep, the operable parts may not be mounted higher than 46" (FHA Req. 2, 4.25.3) The depth is 18". The top 3 rows are 57" to 64" above the floor. The next 2 rows are 48" to 53" above the floor.	Provide a mailbox with a lock no more than 54 inches above the floor for every dwelling unit. Alternate solutions include: 1. Install additional mailboxes as required to provide a mailbox within reach for all units (excluding memory care units) and install blank covers at boxes above reach; or 2. Have all mail delivered to front desk. Remove mailboxes.	4765 - 4774
15A	Protruding objects along circulation paths must project a maximum of 4" where located higher than 27" and lower than 80". The reception desk counter protrudes 5" over the circulation path and lacks a cane detectable barrier.	Install permanent cane detectable barrier. Coordinate with retrofits at item 14.	

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
15B	Protruding objects along circulation paths must project a maximum of 4" where located higher than 27" and lower than 80". The fire extinguisher in Stair 1 near the at grade exit protrudes 4-3/4" over the circulation path at a height of 31-3/4" and lacks a cane detectable barrier.	Install permanent cane detectable barrier or lower extinguisher so that the bottom of the canister is no more than 27" above the floor.	
16	Overhead objects along circulation paths must be at least 80" above the floor. (FHA Req. 2, 4.4.2) The underside of the curved lobby stairs, which are within a circulation path, are not enclosed or protected by a rail. Therefore, the undersides of the stairs reduce the headroom to less than 80".	Install a barrier where the underside of the stairs is 80" above the floor. Barrier could be a planter, a low railing less than 27" above the floor, or a raised platform at least 4" tall.	4526, 4527
17	Operable parts must be within reach. A side reach is required. There is no obstruction. Therefore, it must be between 9" and 54" above the floor. (FHA Req. 2, 4.25.3) The suggestion box in the corridor is 55 3/4" above the floor.	Lower suggestion box slot to within 48" of the floor.	4514, 4515
18	Seating is provided at tables or counters. A compliant wheelchair space must provide clear floor space under the table that is at least 30" wide, 27" high for a depth of 8", and 17" deep at a height of 9". (FHA Req. 2, 4.30) In Private Dining, the knee height is only 25 1/2".	Replace table with a model that has compliant surface height, and knee and toe clear space for forward approach. A minimum of 5% of seating must be accessible and dispersed in the dining area.	4510, 4512
18A	Common use amenities must be accessible to residents of covered units. Coffee dispenser controls in the main dining room are 58" above the floor (maximum 54" allowed).	Relocate dispensers or lower counter as required to place all dispenser controls at no more than 54" above the floor.	
19	Seating or standing spaces are provided at tables or counters. At least 5% of the tables and bars must be accessible wheelchair spaces. Wheelchair spaces must be dispersed. A compliant wheelchair space must provide clear floor space under the table or counter that is at least 30" wide, 27" high, and 17" deep. (FHA §804(b), Req. 2, 4.30) In Dementia Dining, there are about 6 tables. Therefore, 1 must have wheelchair spaces. However, the knee and toe space is blocked by a center pedestal and feet.	Provide a table with compliant clear floor space and compliant knee and toe space. Typically, 4-legged tables are the easiest way to provide compliance.	4529, 4530

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
20	Seating or standing spaces are provided at tables or counters. At least 5% of the tables and bars must be accessible wheelchair spaces. Wheelchair spaces must be dispersed. A compliant wheelchair space must provide clear floor space under the table or counter that is at least 30" wide, 27" high, and 17" deep. (FHA §804(b), Req. 2, 4.30) In Dementia Activity Area, there are about 4 tables. Therefore, 1 must have wheelchair spaces. However, the knee and toe space is blocked by a center pedestal and feet.	Provide a table with compliant clear floor space and compliant knee and toe space. Typically, 4-legged tables are the easiest way to provide compliance.	4569, 4570
21	The top of the threshold cannot be more than 1/2" above the landing on both sides. If it is taller than 1/4", it must be beveled 1:2. (FHA Req. 2, 4.13.8) In the Dementia Activity Area at the door to the outdoor area, the top is 1 1/4" above the landing.	In a 6'-0" by 5'-0" area at the door, raise the patio level to within 1/2" of the top of the threshold. Slope the edges to transition to the existing surface. Maintain 2% maximum slopes in the required door maneuvering space.	4572, 4573
22	First Floor Laundry Room:		
23	Accessible route must be at least 36" wide. (FHA Req. 2, 4.3.3) The accessible route to the washer and dryer is only 27" wide.	Trim counter to provide 36" wide path in front of both machines.	4415, 4416
24	Objects may not protrude into the circulation path by more than 4" If the underside is more than 27" but less than 80" above the floor. (FHA Req. 2, 4.4.1) The underside of the counter has support bracket. At 27" above the floor, the counter edge projects about 9" beyond the bracket.	See Item 23. Maintain bracket or install leg at outside corner to provide permanent cane detectable barrier at the table.	4412 - 4414
24A	Objects may not protrude into the circulation path by more than 4" If the underside is more than 27" but less than 80" above the floor. (FHA Req. 2, 4.4.1) A fire extinguisher and the towel dispenser protrude more than 4" from the wall at more than 27" above the floor.	Provide permanent cane detectable barrier at towel dispenser. Lower fire extinguisher so that the bottom of the canister is no more than 27" above the floor.	4412 - 4414
25	Operable parts must be within reach. A side reach over an obstruction is required. The obstruction may not be taller than 34" or deeper than 24". If the obstruction is less than 10" deep, then the operable parts must be within 54" of the floor. If the obstruction is no more than 34" tall and no more than 24" deep, then the operable part must be within 46" of the floor. (FHA Req. 2, 4.25.3) The paper towel dispenser is mounted above objects and is more than 10" from the clear floor space. It is mounted 53" above the floor.	Lower paper towel dispenser so that the operable parts are within 48" of the floor. Ensure that new location does not interfere with the clear space for other items.	4423, 4424
26	The clothes pole must be within reach. Therefore, the top of the pole must be within 54" of the floor. (FHA Req. 2, 4.23.3) The clothes pole is more than 54" above the floor.	Provide a lower cross bar on the laundry cart.	4425

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
27	Operable parts must be within reach. A side reach over an object is required. For the operable parts to be within reach the object cannot be taller than 34" or the operable parts cannot be more than 10" from the front edge of the counter. (FHA Req. 2, 4.25.3) The hand sanitizer is mounted behind the utility sink. The utility sink is 35" tall and the hand sanitizer is more than 10" from the front edge. Therefore, the it is out of reach.	Lower the utility sink so that the top edge is no more than 34" above the floor. Lower the hand sanitizer so that its control is within 46" of the floor. Ensure that the 30" by 48" parallel clear floor space for the utility sink is free of stored items.	4417, 4418
28	Operable parts must be within reach. A side reach over an object is required. For the operable parts to be within reach the object cannot be taller than 34" or the operable parts cannot be more than 10" from the front edge of the counter. (FHA Req. 2, 4.25.3) The utility sink is 35" tall and the faucet is more than 10" from the front edge. Therefore, the faucet is out of reach.	See above.	4417, 4418
29	Operable parts must be operable with one hand and without tight grasping, tight, or twisting of the wrist. It must be operable with no more than 5-pounds force. (FHA Req. 2, 4.25.4) The faucet on the utility sink requires tight grasping and twisting to operate.	Replace the faucet with a compliant model.	4421, 4422
30	First Floor Toilet Room Near Assistive Living Dining Hall:		
31	The top of the hook must be within reach. If an unobstructed side reach is possible, then it must be within 54" of the floor. (FHA Req. 2, 4.23.3) The hook is 65 1/2" above the floor.	Remount the hook, or install a new hook, to within 48" of the floor in an unobstructed location.	4505, 4506
32	Operable parts must be within reach. This control requires a forward reach. Therefore, the operable parts must be within 48" of the floor and not beyond the toes. (FHA Req. 2, 4.25.3) The paper towel dispenser is about 50" above the floor.	Lower the paper towel dispenser so that the operable parts are within 48" of the floor.	4486, 4487
32A	Grab bars are to be 36" maximum above the floor. Grab bars at toilet are 37" above the floor. (ADA 609.4)	Relocate grab bars to a position no more than 36" above the floor to the top of the gripping surface.	
32B	There must be at least 12" of clear space above the grab bar. (FHA Req. 2, 4.24.2)	Alarm box projects from the wall above the side toilet grab bar at approximately 4" above the bar. Box obstructs required clear space above bar. Relocate or recess alarm box.	4493
33	Lavatory knee space must extend at least 8" under the lavatory for a height of at least 27". (FHA Req. 2, 4.19.2.1) The knee space is only 5 3/4" deep at a height of 27".	The top of the lavatory is mounted 33 1/2" above the floor. Verify that if the lavatory is raised 1/2" that the knee space will increase to 8". (The overflow may protrude into the knee space.) If yes, then raise the lavatory. Otherwise, replace the lavatory with a shallower model.	4482, 4483
34	First Floor Toilet Room Near Dementia Activities Area:		
35	Operable parts must be within reach. This control requires a forward reach. Therefore, the operable parts must be within 48" of the floor and not beyond the toes. (FHA Req. 2, 4.25.3) The paper towel dispenser is about 50" above the floor.	Lower the paper towel dispenser so that the operable parts are within 48" of the floor.	4552, 4553

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
35A	There must be at least 12" of clear space above the grab bar. (FHA Req. 2, 4.24.2) The framed print reduces the clear space to 10 1/2" above the rear grab bar.	Alarm box projects from the wall above the side toilet grab bar at approximately 4" above the bar. Box obstructs required clear space above bar. Relocate or recess alarm box.	4556
36	The top of the hook must be within reach. If an unobstructed side reach is possible, then it must be within 54" of the floor. (FHA Req. 2, 4.23.3) The hook is 65 1/2" above the floor.	Remount the hook, or install a new hook, to within 48" of the floor in an unobstructed location.	4567
First Floor Common Areas - MC Wing			
36A	Objects may not protrude into the circulation path by more than 4" If the underside is more than 27" but less than 80" above the floor. (FHA Req. 2, 4.4.1) In the MC hall near Unit 39, the fire alarm lock box protrudes 5-1/2" from the wall at a height of 43-1/2" above the floor.	Recess alarm box, replace alarm cover with unit no more than 4" deep, or install permanent cane detectable barrier under box.	
36B	Objects may not protrude into the circulation path by more than 4" If the underside is more than 27" but less than 80" above the floor. (FHA Req. 2, 4.4.1) In the MC common area, a paper towel dispenser adjacent to a sink space is 47-1/2" above the floor and protrudes 9" from the wall.	Install permanent cane detectable barrier under dispenser.	
37	Second Floor:		
38	Objects may not protrude into the circulation path by more than 4" If the underside is more than 27" but less than 80" above the floor. (FHA Req. 2, 4.4.1) In the Commons at the kitchen counter, the underside of the counter is 32" above the floor and protrudes about 12" into the circulation path.	At clubhouse side, install a trim strip under counter that is within 4" of the counter edges. Bottom of the trim strip to be exactly 27" above the floor. At kitchen side, install leg at the counter corner. Leg to be within 4" of the front and side of the counter corner.	4689, 4690
38A	Pipes and fittings under sinks with forward approach must be protected. Clubhouse kitchen sink lacks pipe protection.	Install pipe protection at clubhouse sink.	
38B	Objects located above obstructions that are more than 10" deep must be no higher than 46" above the floor. Outlets in the clubhouse kitchen are 47" above the floor.	Lower at least one outlet at each counter area.	
39	Seating or standing spaces are provided at tables or counters. At least 5% of the tables and bars must be accessible wheelchair spaces. Wheelchair spaces must be dispersed. A compliant wheelchair space must provide clear floor space under the table or counter that is at least 30" wide, 27" high, and 17" deep. (FHA §804(b), Req. 2, 4.30) In the Commons, there are less than 20 tables. Therefore, 1 must have wheelchair spaces. However, the knee and toe space is blocked by a center pedestal and feet.	Provide 2 tables with compliant clear floor space and compliant knee and toe space. Typically, 4-legged tables are the easiest way to provide compliance.	4692
40	Seating is provided at tables or counters. A compliant wheelchair space must provide clear floor space under the table that is at least 30" wide, 27" high for a depth of 8", and 17" deep at a height of 9". (FHA Req. 2, 4.30) In the Game Room, the knee height at the table is only 26 1/2".	Replace at least one table with a model that has compliant surface height, and knee and toe clear space for forward approach. A minimum of 5% of seating must be accessible and dispersed in the dining area.	4699, 4701

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
41	Seating is provided at tables or counters. A compliant wheelchair space must provide clear floor space under the table that is at least 30" wide, 27" high for a depth of 8", and 17" deep at a height of 9". (FHA Req. 2, 4.30) In the Game Room, the knee height at the computer station is only 27" not including the keyboard tray.	Remove keyboard tray.	4704, 4705
42	Seating is provided at tables or counters. A compliant wheelchair space must provide clear floor space under the table that is at least 30" wide, 27" high for a depth of 8", and 17" deep at a height of 9". (FHA Req. 2, 4.30) In the Lounge outside the Laundry Room near Unit 201, the knee height at the table is only 26 1/2".	Replace at least one table with a model that has compliant surface height, and knee and toe clear space for forward approach. A minimum of 5% of seating must be accessible and dispersed in the dining area.	4761
43	Second Floor Laundry Room Near Commons:		
43A	Operable parts over an obstruction must be within reach. The hanging hook at the door is 67-1/2" above the floor.	Add a hanging hook at 48" maximum above the floor.	
	Objects may not protrude into the circulation path by more than 4" If the underside is more than 27" but less than 80" above the floor. (FHA Req. 2, 4.4.1) A fire extinguisher and the towel dispenser protrude more than 4" from the wall at more than 27" above the floor.	Lower fire extinguisher so that the bottom of the canister is no more than 27" above the floor or install permanent cane detectable barrier.	
44	Operable parts over an obstruction must be within reach. Operable parts cannot be beyond the front edge of the clear floor space. The obstruction must be no more than 34" tall and no more than 25" deep. Therefore, the operable part must be within 44" of the floor. If the obstruction is less than 20" deep, the operable part must be within 48" of the floor. (FHA Req. 2, 4.25.3) The paper towel dispenser is mounted over the clothes folding counter. It is less than 20" from the front edge and 53" above the floor.	Lower the paper towel dispenser so that the operable parts are within 46" of the floor. Ensure that the 30" by 48" parallel clear floor space for the utility sink is free of stored items.	4606 - 4609
45	Second Floor Laundry Room Near Unit 201:		
46	Accessible route must be at least 36" wide. (FHA Req. 2, 4.3.3) The accessible route to the washer and dryer is only 27" wide.	Trim counter to provide 36" wide path in front of both machines.	4754, 4755
46A	Objects may not protrude into the circulation path by more than 4" If the underside is more than 27" but less than 80" above the floor. (FHA Req. 2, 4.4.1) The bottom of the fire extinguisher is 30" above the floor and projects 4-3/4" from the wall.	Lower extinguisher or provide permanent cane detectable barrier.	4756, 4759
47	Objects may not protrude into the circulation path by more than 4" If the underside is more than 27" but less than 80" above the floor. (FHA Req. 2, 4.4.1) The underside of the counter has support bracket. At 27" above the floor, the counter edge projects about 9" beyond the bracket.	See Item 23. Maintain bracket or install leg at outside corner to provide permanent cane detectable barrier at the table.	4756, 4759

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
48	Operable parts must be within reach. A side reach over an obstruction is required. The obstruction may not be taller than 34" or deeper than 24". If the obstruction is less than 10" deep, then the operable parts must be within 54" of the floor. If the obstruction is no more than 34" tall and no more than 24" deep, then the operable part must be within 46" of the floor. (FHA Req. 2, 4.25.3) The paper towel dispenser is mounted above objects and is more than 10" from the clear floor space. It is mounted about 53" above the floor.	Lower paper towel dispenser so that the operable parts are within 46" of the floor.	4760
49	The clothes pole must be within reach. Therefore, the top of the pole must be within 54" of the floor. (FHA Req. 2, 4.23.3) The clothes pole is more than 54" above the floor.	Provide a lower cross bar on the laundry cart.	4760
50	Operable parts must be within reach. A side reach over an object is required. For the operable parts to be within reach the object cannot be taller than 34" or the operable parts cannot be more than 10" from the front edge of the counter. (FHA Req. 2, 4.25.3) The hand sanitizer is mounted behind the utility sink. The utility sink is 35" tall and the hand sanitizer is more than 10" from the front edge. Therefore, the it is out of reach.	Lower the utility sink so that the top edge is no more than 34" above the floor. Lower the hand sanitizer so that its control is within 46" of the floor. Ensure that the 30" by 48" parallel clear floor space for the utility sink is free of stored items.	4751, 4752, 4760
51	Operable parts must be within reach. A side reach over an object is required. For the operable parts to be within reach the object cannot be taller than 34" or the operable parts cannot be more than 10" from the front edge of the counter. (FHA Req. 2, 4.25.3) The utility sink is 35" tall and the faucet is more than 10" from the front edge. Therefore, the faucet is out of reach.	See above.	4751, 4752
52	Operable parts must be operable with one hand and without tight grasping, tight, or twisting of the wrist. It must be operable with no more than 5-pounds force. (FHA Req. 2, 4.25.4) The faucet on the utility sink requires tight grasping and twisting to operate.	Replace the faucet with a compliant model.	4753
53	Second Floor Toilet Room:		
54	The top of the hook must be within reach. If an unobstructed side reach is possible, then it must be within 54" of the floor. (FHA Req. 2, 4.23.3) The hook is about 65" above the floor.	Remount the hook, or install a new hook, to within 48" of the floor in an unobstructed location.	4619
54A	Clear floor space at toilet must be unobstructed. Baseboard heating element overlaps toilet clear floor space starting 40-1/2" from the corner (minimum clear depth of 56" required). Depth of the obstruction is 3".	Remove, relocate or replace baseboard heating element.	
55	Operable parts must be within reach. This control requires a forward reach. Therefore, the operable parts must be within 48" of the floor and not beyond the toes. (FHA Req. 2, 4.25.3) The paper towel dispenser is about 51" above the floor.	Lower paper towel dispenser so that the operable parts are within 46" of the floor.	4630, 4631

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
56	Dwelling Units:	Retrofits listed herein are required at all units of the same type, not just the units that were surveyed. Provide chart of all units including each type and whether or not each unit has a vanity or a knee space at the lavatory. Unit counts may differ from those listed in this plan.	
	Companion MC Room, Unit G102: (There 2 of this type.)		
56A	Clear floor space for the lavatory must be at least 30" by 48". It must be centered. If forward, knee and toe space must be provided under the lavatory. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(v))	Provide a forward approach to the lavatory.	4334
56B	If the closet is deeper than 24", the closet door is intended for user passage. It must provide at least 31 5/8" clear opening. (FHA Req. 3(2)) The bathroom linen closet is about 35" deep and the clear opening of the door is only 16".	Install full depth shelving at linen closets. Shelves to extend from face of drywall to face of drywall.	
56C	The electrical receptacle is above the vanity on the side wall. The cabinet is not removable. If the receptacle is within 10" of the clear floor space, it must be no higher than 48". Otherwise, the receptacle must be within 24" of the clear floor space and no higher than 46" above the floor. (FHA Req. 5) The receptacle is more than 10" from the clear floor space and the centerline of the top outlet is 48 1/2" above the floor.	Provide a forward approach to the lavatory.	

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
56D	<p>The shower must have a 30" x 48" parallel clear floor space where the toes align with the control wall. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(vii))</p> <p>The sidewall behind the seat is shared with the linen closet. It restricts the clear floor space length to only 36". The wall extends 2 1/4" into the clear floor space.</p>	<p>In all unit types where wall extends more than 1-1/2" into the clear floor space, retrofit shower seats so that the gap between the edge of the seat and face of the drywall parallel to the shower is no wider than 3 inches.</p> <p>Acceptable retrofits include: Relocate existing fold-up seat. Patch holes with professionally applied fiberglass patch and finish, extend existing blocking, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis. Replace fold-up seat with new seat that is wider and/or has fasteners that coordinate with existing shower blocking as provided by the manufacturer. Patch holes with professionally applied fiberglass patch and finish, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis.</p> <p style="text-align: right;">In all</p> <p>units where shower is not adjacent to linen closet, create and submit for DOJ approval a reasonable accommodation policy allowing a resident who makes a request for a reasonable accommodation to transfer to a to a comparable unit type that has been retrofitted to provide greater accessibility at the shower if available, or prioritize the resident's request for the next available comparable unit type. This transfer shall be made at no cost to the resident (e.g., transfer fees or moving costs).</p>	4334
	Private Studio, Unit G104: (There are 2 of this type.)		
57			
58			
59	<p>If the closet is deeper than 24", the closet door is intended for user passage. It must provide at least 31 5/8" clear opening. (FHA Req. 3(2))</p> <p>The bathroom linen closet is about 35" deep and the clear opening of the door is only 16".</p>	Install full depth shelving at linen closets. Shelves to extend from face of drywall to face of drywall.	4360
60	<p>The electrical receptacle is above the vanity on the side wall. The cabinet is not removable. If the receptacle is within 10" of the clear floor space, it must be no higher than 48". Otherwise, the receptacle must be within 24" of the clear floor space and no higher than 46" above the floor. (FHA Req. 5)</p> <p>The receptacle is more than 10" from the clear floor space and the centerline of the top outlet is 48 1/2" above the floor.</p>	Provide a forward approach to the lavatory.	4362 - 4365
61	<p>Clear floor space for the lavatory must be at least 30" by 48". It must be centered. If forward, knee and toe space must be provided under the lavatory. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(v))</p> <p>The parallel clear floor space for the lavatory is about 46" long and is off-center by 8 3/4". A forward approach is blocked by a vanity.</p>	Acceptable retrofits include: 1) Replace existing vanity with new unit at least 32" wide and with removable base. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes. 2) Cantilever counter from the wall with braces/supports that do not obstruct knee and toe clearances. Insulate the pipes. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes.	4354, 4355

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
62	<p>The shower must have a 30" x 48" parallel clear floor space where the toes align with the control wall. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(vii))</p> <p>The sidewall behind the seat is shared with the linen closet. It restricts the clear floor space length to only 36". The wall extends 2 1/4" into the clear floor space.</p>	<p>In all unit types where wall extends more than 1-1/2" into the clear floor space, retrofit shower seats so that the gap between the edge of the seat and face of the drywall parallel to the shower is no wider than 3 inches.</p> <p>Acceptable retrofits include: Relocate existing fold-up seat. Patch holes with professionally applied fiberglass patch and finish, extend existing blocking, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis. Replace fold-up seat with new seat that is wider and/or has fasteners that coordinate with existing shower blocking as provided by the manufacturer. Patch holes with professionally applied fiberglass patch and finish, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis.</p> <p style="text-align: right;">In</p> <p>all units where shower is not adjacent to linen closet, create and submit for DOJ approval a reasonable accommodation policy allowing a resident who makes a request for a reasonable accommodation to transfer to a to a comparable unit type that has been retrofitted to provide greater accessibility at the shower if available, or prioritize the resident's request for the next available comparable unit type. This transfer shall be made at no cost to the resident (e.g., transfer fees or moving costs).</p>	4360, 4361
63	Private Studio, Unit 207: (There are 6 of this type.)		
64	<p>For electrical receptacles above counters, the centerline of the top outlet must be within 46" of the floor. (FHA Req. 5)</p> <p>The centerline of the top outlet is about 49" above the floor.</p>	Lower the receptacle so that the centerline of the top outlet is no more than 46" above the floor.	4731
65	<p>The kitchen sink has a parallel clear floor space. It must be at least 30" by 48" and centered. (FHA Req. 7(1)(a))</p> <p>The cabinet is not removable. The parallel clear floor space at the kitchen sink is off center by 12".</p>	Acceptable retrofits include: 1) Trim adjacent wing wall flush to the face of the countertop, 2) Replace countertop and relocate sink so that the centerline of the fixture is at least 24" from the sidewall, or 3) Provide removable base cabinet. Insulate the pipes. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes.	4731, 4732
66	<p>If the closet is deeper than 24", the closet door is intended for user passage. It must provide at least 31 5/8" clear opening. (FHA Req. 3(2))</p> <p>The bathroom linen closet is about 35" deep and the clear opening of the door is only 16".</p>	Install full depth shelving at linen closets. Shelves to extend from face of drywall to face of drywall.	
67	<p>The electrical receptacle is above the vanity on the side wall. The cabinet is not removable. If the receptacle is within 10" of the clear floor space, it must be no higher than 48". Otherwise, the receptacle must be within 24" of the clear floor space and no higher than 46" above the floor. (FHA Req. 5)</p> <p>The receptacle is more than 10" from the clear floor space and the centerline of the top outlet is about 48 1/2" above the floor.</p>	Provide a forward approach to the lavatory.	4723

Appendix B

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
68	<p>Clear floor space for the lavatory must be at least 30" by 48". It must be centered. If forward, knee and toe space must be provided under the lavatory. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(v))</p> <p>The parallel clear floor space for the lavatory is about 46" long and is off-center by 8 3/4". A forward approach is blocked by a vanity.</p>	<p>Acceptable retrofits include: 1) Replace existing vanity with new unit at least 32" wide and with removable base. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes. 2) Cantilever counter from the wall with braces/supports that do not obstruct knee and toe clearances. Insulate the pipes. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes.</p>	4723, 4726 - 4729
69	<p>The shower must have a 30" x 48" parallel clear floor space where the toes align with the control wall. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(vii))</p> <p>The sidewall behind the seat is shared with the linen closet. It restricts the clear floor space length to only 36". The wall extends 3" into the clear floor space.</p>	<p>In all unit types where wall extends more than 1-1/2" into the clear floor space, retrofit shower seats so that the gap between the edge of the seat and face of the drywall parallel to the shower is no wider than 3 inches.</p> <p>Acceptable retrofits include: Relocate existing fold-up seat. Patch holes with professionally applied fiberglass patch and finish, extend existing blocking, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis. Replace fold-up seat with new seat that is wider and/or has fasteners that coordinate with existing shower blocking as provided by the manufacturer. Patch holes with professionally applied fiberglass patch and finish, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis.</p> <p style="text-align: right;">In all</p> <p>units where shower is not adjacent to linen closet, create and submit for DOJ approval a reasonable accommodation policy allowing a resident who makes a request for a reasonable accommodation to transfer to a to a comparable unit type that has been retrofitted to provide greater accessibility at the shower if available, or prioritize the resident's request for the next available comparable unit type. This transfer shall be made at no cost to the resident (e.g., transfer fees or moving costs).</p>	4730
70	Private Studio, ADA, Unit 106: (There are 2 of this type.)		
71	<p>If the closet is deeper than 24", the closet door is intended for user passage. It must provide at least 31 5/8" clear opening. (FHA Req. 3(2))</p> <p>The bathroom linen closet is about 35" deep and the clear opening of the door is only 16".</p>	<p>Install full depth shelving at linen closets. Shelves to extend from face of drywall to face of drywall.</p>	4443

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
72	<p>The shower must have a 30" x 48" parallel clear floor space where the toes align with the control wall. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(vii))</p> <p>The sidewall behind the seat is a chase wall. It restricts the clear floor space length to only 36". The wall extends 2 3/4" into the clear floor space.</p>	<p>In all unit types where wall extends more than 1-1/2" into the clear floor space, retrofit shower seats so that the gap between the edge of the seat and face of the drywall parallel to the shower is no wider than 3 inches.</p> <p>Acceptable retrofits include: Relocate existing fold-up seat. Patch holes with professionally applied fiberglass patch and finish, extend existing blocking, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis. Replace fold-up seat with new seat that is wider and/or has fasteners that coordinate with existing shower blocking as provided by the manufacturer. Patch holes with professionally applied fiberglass patch and finish, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis.</p> <p>In all units where shower is not adjacent to linen closet, create and submit for DOJ approval a reasonable accommodation policy allowing a resident who makes a request for a reasonable accommodation to transfer to a to a comparable unit type that has been retrofitted to provide greater accessibility at the shower if available, or prioritize the resident's request for the next available comparable unit type. This transfer shall be made at no cost to the resident (e.g., transfer fees or moving costs).</p>	4442, 4443
73	Private Studio, ADA, Unit 107: (See Unit 106 for quantity of this type.)		
74	<p>If the closet is deeper than 24", the closet door is intended for user passage. It must provide at least 31 5/8" clear opening. (FHA Req. 3(2))</p> <p>The bathroom linen closet is about 35" deep and the clear opening of the door is only 16".</p>	Install full depth shelving at linen closets. Shelves to extend from face of drywall to face of drywall.	4450

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
75	<p>The shower must have a 30" x 48" parallel clear floor space where the toes align with the control wall. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(vii))</p> <p>The sidewall behind the seat is a chase wall. It restricts the clear floor space length to only 36". The wall extends 2 1/2" into the clear floor space.</p>	<p>In all unit types where wall extends more than 1-1/2" into the clear floor space, retrofit shower seats so that the gap between the edge of the seat and face of the drywall parallel to the shower is no wider than 3 inches.</p> <p>Acceptable retrofits include: Relocate existing fold-up seat. Patch holes with professionally applied fiberglass patch and finish, extend existing blocking, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis. Replace fold-up seat with new seat that is wider and/or has fasteners that coordinate with existing shower blocking as provided by the manufacturer. Patch holes with professionally applied fiberglass patch and finish, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis.</p> <p style="text-align: right;">In</p> <p>all units where shower is not adjacent to linen closet, create and submit for DOJ approval a reasonable accommodation policy allowing a resident who makes a request for a reasonable accommodation to transfer to a to a comparable unit type that has been retrofitted to provide greater accessibility at the shower if available, or prioritize the resident's request for the next available comparable unit type. This transfer shall be made at no cost to the resident (e.g., transfer fees or moving costs).</p>	4449, 4452
76	Private Studio, Type 3, Unit 236: (There is 1 of this type.)		
77	<p>For electrical receptacles above counters, the centerline of the top outlet must be within 46" of the floor. (FHA Req. 5)</p> <p>The centerline of the top outlet is about 49" above the floor.</p>	Lower the receptacle so that the centerline of the top outlet is no more than 46" above the floor.	4647
78	<p>The kitchen sink has a parallel clear floor space. It must be at least 30" by 48" and centered. (FHA Req. 7(1)(a))</p> <p>The cabinet is not removable. The parallel clear floor space at the kitchen sink is off center by 12".</p>	Acceptable retrofits include: 1) Trim adjacent wing wall flush to the face of the countertop, 2) Replace countertop and relocate sink so that the centerline of the fixture is at least 24" from the sidewall, or 3) Provide removable base cabinet. Insulate the pipes. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes.	4643 - 4646
79	<p>The electrical receptacle is above the vanity on the side wall. The cabinet is not removable. If the receptacle is within 10" of the clear floor space, it must be no higher than 48". Otherwise, the receptacle must be within 24" of the clear floor space and no higher than 46" above the floor. (FHA Req. 5)</p> <p>The receptacle is more than 10" from the clear floor space and the centerline of the top outlet is about 48 1/2" above the floor.</p>	<p>If a forward approach to the lavatory is provided, then no additional action is required.</p> <p>Otherwise, lower the receptacle so that the centerline of the top outlet is no more than 46" above the floor.</p>	4636

Appendix B

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
80	<p>Clear floor space for the lavatory must be at least 30" by 48". It must be centered. If forward, knee and toe space must be provided under the lavatory. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(v))</p> <p>The parallel clear floor space for the lavatory is about 46" long and is off-center by 8 3/4". A forward approach is blocked by a vanity.</p>	<p>Acceptable retrofits include: 1) Replace existing vanity with new unit at least 32" wide and with removable base. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes. 2) Cantilever counter from the wall with braces/supports that do not obstruct knee and toe clearances. Insulate the pipes. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes.</p>	4636, 4642
81	<p>The shower must have a 30" x 48" parallel clear floor space where the toes align with the control wall. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(vii))</p> <p>The sidewall behind the seat is a plumbing wall that is shared with the adjacent unit. It restricts the clear floor space length to only 36". The wall extends 2 3/4" into the clear floor space.</p>	<p>In all unit types where wall extends more than 1-1/2" into the clear floor space, retrofit shower seats so that the gap between the edge of the seat and face of the drywall parallel to the shower is no wider than 3 inches.</p> <p>Acceptable retrofits include: Relocate existing fold-up seat. Patch holes with professionally applied fiberglass patch and finish, extend existing blocking, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis. Replace fold-up seat with new seat that is wider and/or has fasteners that coordinate with existing shower blocking as provided by the manufacturer. Patch holes with professionally applied fiberglass patch and finish, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis.</p> <p>In all units where shower is not adjacent to linen closet, create and submit for DOJ approval a reasonable accommodation policy allowing a resident who makes a request for a reasonable accommodation to transfer to a comparable unit type that has been retrofitted to provide greater accessibility at the shower if available, or prioritize the resident's request for the next available comparable unit type. This transfer shall be made at no cost to the resident (e.g., transfer fees or moving costs).</p>	4637
82	Deluxe Studio, Unit G110: (There are 4 of this type.)		
83			
84	<p>If the closet is deeper than 24", the closet door is intended for user passage. It must provide at least 31 5/8" clear opening. (FHA Req. 3(2))</p> <p>The bathroom linen closet is 35 3/4" deep and the clear opening of the door is only 16".</p>	<p>Install full depth shelving at linen closets. Shelves to extend from face of drywall to face of drywall.</p>	4232, 4233, 4235, 4236

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
85	The electrical receptacle is above the vanity on the side wall. The cabinet is not removable. If the receptacle is within 10" of the clear floor space, it must be no higher than 48". Otherwise, the receptacle must be within 24" of the clear floor space and no higher than 46" above the floor. (FHA Req. 5) The receptacle is more than 10" from the clear floor space and the centerline of the top outlet is about 48 1/2" above the floor.	Provide a forward approach to the lavatory.	
86	Clear floor space for the lavatory must be at least 30" by 48". It must be centered. If forward, knee and toe space must be provided under the lavatory. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(v)) The parallel clear floor space for the lavatory is about 46" long and is off-center by 8 3/4". A forward approach is blocked by a vanity.	Acceptable retrofits include: 1) Replace existing vanity with new unit at least 32" wide and with removable base. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes. 2) Cantilever counter from the wall with braces/supports that do not obstruct knee and toe clearances. Insulate the pipes. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes.	4222, 4223
87	The shower must have a 30" x 48" parallel clear floor space where the toes align with the control wall. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(vii)) The sidewall behind the seat is shared with the linen closet. It restricts the clear floor space length to only 36". The wall extends 3" into the clear floor space.	In all unit types where wall extends more than 1-1/2" into the clear floor space, retrofit shower seats so that the gap between the edge of the seat and face of the drywall parallel to the shower is no wider than 3 inches. Acceptable retrofits include: Relocate existing fold-up seat. Patch holes with professionally applied fiberglass patch and finish, extend existing blocking, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis. Replace fold-up seat with new seat that is wider and/or has fasteners that coordinate with existing shower blocking as provided by the manufacturer. Patch holes with professionally applied fiberglass patch and finish, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis. In all units where shower is not adjacent to linen closet, create and submit for DOJ approval a reasonable accommodation policy allowing a resident who makes a request for a reasonable accommodation to transfer to a comparable unit type that has been retrofitted to provide greater accessibility at the shower if available, or prioritize the resident's request for the next available comparable unit type. This transfer shall be made at no cost to the resident (e.g., transfer fees or moving costs).	4229 - 4231
88	Deluxe Studio ADA, Unit 109: (There are 2 of this type).		
89	For electrical receptacles above counters, the centerline of the top outlet must be within 46" of the floor. (FHA Req. 5) The centerline of the top outlet is about 49" above the floor.	Lower the receptacle so that the centerline of the top outlet is no more than 46" above the floor.	4458
90	If the closet is deeper than 24", the closet door is intended for user passage. It must provide at least 31 5/8" clear opening. (FHA Req. 3(2)) The bathroom linen closet is about 35" deep and the clear opening of the door is only 16".	Install full depth shelving at linen closets. Shelves to extend from face of drywall to face of drywall.	4467

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
91	<p>The shower must have a 30" x 48" parallel clear floor space where the toes align with the control wall. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(vii))</p> <p>The sidewall behind the seat is shared with the linen closet. It restricts the clear floor space length to only 36". The wall extends 3" into the clear floor space.</p>	<p>In all unit types where wall extends more than 1-1/2" into the clear floor space, retrofit shower seats so that the gap between the edge of the seat and face of the drywall parallel to the shower is no wider than 3 inches.</p> <p>Acceptable retrofits include: Relocate existing fold-up seat. Patch holes with professionally applied fiberglass patch and finish, extend existing blocking, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis. Replace fold-up seat with new seat that is wider and/or has fasteners that coordinate with existing shower blocking as provided by the manufacturer. Patch holes with professionally applied fiberglass patch and finish, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis.</p> <p style="text-align: right;">In</p> <p>all units where shower is not adjacent to linen closet, create and submit for DOJ approval a reasonable accommodation policy allowing a resident who makes a request for a reasonable accommodation to transfer to a to a comparable unit type that has been retrofitted to provide greater accessibility at the shower if available, or prioritize the resident's request for the next available comparable unit type. This transfer shall be made at no cost to the resident (e.g., transfer fees or moving costs).</p>	4466, 4467
92	Deluxe Studio ADA, Unit 208: (see Unit 109 for quantity of this type).		
93	<p>For electrical receptacles above counters, the centerline of the top outlet must be within 46" of the floor. (FHA Req. 5)</p> <p>The centerline of the top outlet is about 49" above the floor.</p>	Lower the receptacle so that the centerline of the top outlet is no more than 46" above the floor.	4719
94	<p>If the closet is deeper than 24", the closet door is intended for user passage. It must provide at least 31 5/8" clear opening. (FHA Req. 3(2))</p> <p>The bathroom linen closet is about 35" deep and the clear opening of the door is only 16".</p>	Install full depth shelving at linen closets. Shelves to extend from face of drywall to face of drywall.	4717

Appendix B

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
95	<p>The shower must have a 30" x 48" parallel clear floor space where the toes align with the control wall. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(vii))</p> <p>The sidewall behind the seat is shared with the linen closet. It restricts the clear floor space length to only 36". The wall extends 2 3/4" into the clear floor space.</p>	<p>In all unit types where wall extends more than 1-1/2" into the clear floor space, retrofit shower seats so that the gap between the edge of the seat and face of the drywall parallel to the shower is no wider than 3 inches.</p> <p>Acceptable retrofits include: Relocate existing fold-up seat. Patch holes with professionally applied fiberglass patch and finish, extend existing blocking, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis. Replace fold-up seat with new seat that is wider and/or has fasteners that coordinate with existing shower blocking as provided by the manufacturer. Patch holes with professionally applied fiberglass patch and finish, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis.</p> <p style="text-align: right;">In all</p> <p>units where shower is not adjacent to linen closet, create and submit for DOJ approval a reasonable accommodation policy allowing a resident who makes a request for a reasonable accommodation to transfer to a to a comparable unit type that has been retrofitted to provide greater accessibility at the shower if available, or prioritize the resident's request for the next available comparable unit type. This transfer shall be made at no cost to the resident (e.g., transfer fees or moving costs).</p>	4717, 4718
96	Deluxe Studio, Type 2, Unit 237: (There is 1 of this type.)		
97	<p>For electrical receptacles above counters, the centerline of the top outlet must be within 46" of the floor. (FHA Req. 5)</p> <p>The centerline of the top outlet is about 49" above the floor.</p>	Lower the receptacle so that the centerline of the top outlet is no more than 46" above the floor.	4648
98	<p>The electrical receptacle is above the vanity on the side wall. The cabinet is not removable. If the receptacle is within 10" of the clear floor space, it must be no higher than 48". Otherwise, the receptacle must be within 24" of the clear floor space and no higher than 46" above the floor. (FHA Req. 5)</p> <p>The receptacle is more than 10" from the clear floor space and the centerline of the top outlet is about 48 1/2" above the floor.</p>	<p>If a forward approach to the lavatory is provided, then no additional action is required. Otherwise, lower the receptacle so that the centerline of the top outlet is no more than 46" above the floor.</p>	
99	<p>Clear floor space for the lavatory must be at least 30" by 48". It must be centered. If forward, knee and toe space must be provided under the lavatory. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(v))</p> <p>The parallel clear floor space for the lavatory is about 46" long and is off-center by 8 3/4". A forward approach is blocked by a vanity.</p>	Acceptable retrofits include: 1) Replace existing vanity with new unit at least 32" wide and with removable base. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes. 2) Cantilever counter from the wall with braces/supports that do not obstruct knee and toe clearances. Insulate the pipes. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes.	4653, 4654

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
100	<p>The shower must have a 30" x 48" parallel clear floor space where the toes align with the control wall. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(vii))</p> <p>The sidewall behind the seat is a plumbing wall that is shared with the adjacent unit. It restricts the clear floor space length to only 36". The wall extends 2 3/4" into the clear floor space.</p>	<p>In all unit types where wall extends more than 1-1/2" into the clear floor space, retrofit shower seats so that the gap between the edge of the seat and face of the drywall parallel to the shower is no wider than 3 inches.</p> <p>Acceptable retrofits include: Relocate existing fold-up seat. Patch holes with professionally applied fiberglass patch and finish, extend existing blocking, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis. Replace fold-up seat with new seat that is wider and/or has fasteners that coordinate with existing shower blocking as provided by the manufacturer. Patch holes with professionally applied fiberglass patch and finish, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis.</p> <p style="text-align: right;">In all</p> <p>units where shower is not adjacent to linen closet, create and submit for DOJ approval a reasonable accommodation policy allowing a resident who makes a request for a reasonable accommodation to transfer to a to a comparable unit type that has been retrofitted to provide greater accessibility at the shower if available, or prioritize the resident's request for the next available comparable unit type. This transfer shall be made at no cost to the resident (e.g., transfer fees or moving costs).</p>	4651, 4661
101	<p>Dementia Private Studio, Unit 21 and Unit 35; Shared Studio, Unit 32. Note: the exact number of private and shared studios in MC areas that have vanities is not known. Unit 21 typical for MC Private with vanity. Unit 32 typical for MC Shared Studio with vanity.</p> <p>(Private and Shared Studios have the retrofit requirements.)</p>		
102	<p>The electrical receptacle is above the vanity on the side wall. The cabinet is not removable. If the receptacle is within 10" of the clear floor space, it must be no higher than 48". Otherwise, the receptacle must be within 24" of the clear floor space and no higher than 46" above the floor. (FHA Req. 5)</p> <p>The receptacle is more than 10" from the clear floor space and the centerline of the top outlet is about 48 1/2" above the floor.</p>	<p>If a forward approach to the lavatory is provided, then no additional action is required. Otherwise, lower the receptacle so that the centerline of the top outlet is no more than 46" above the floor.</p>	4533

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
103	<p>Clear floor space for the lavatory must be at least 30" by 48". It must be centered. If forward, knee and toe space must be provided under the lavatory. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(v))</p> <p>The parallel clear floor space for the lavatory is about 46" long and is off-center by 8 3/4". A forward approach is blocked by a vanity.</p>	<p>Acceptable retrofits include: Replace existing vanity with new unit at least 32" wide and with removable base. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes. 2) Cantilever counter from the wall with braces/supports that do not obstruct knee and toe clearances. Insulate the pipes. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes.</p>	4535, 4536
104	<p>The shower must have a 30" x 48" parallel clear floor space where the toes align with the control wall. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(vii))</p> <p>The sidewall behind the seat is a plumbing wall that is shared with the adjacent unit. It restricts the clear floor space length to only 36". The wall extends 3 1/4" into the clear floor space.</p>	<p>In all unit types where wall extends more than 1-1/2" into the clear floor space, retrofit shower seats so that the gap between the edge of the seat and face of the drywall parallel to the shower is no wider than 3 inches.</p> <p>Acceptable retrofits include: Relocate existing fold-up seat. Patch holes with professionally applied fiberglass patch and finish, extend existing blocking, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis. Replace fold-up seat with new seat that is wider and/or has fasteners that coordinate with existing shower blocking as provided by the manufacturer. Patch holes with professionally applied fiberglass patch and finish, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis.</p> <p style="text-align: right;">In</p> <p>all units where shower is not adjacent to linen closet, create and submit for DOJ approval a reasonable accommodation policy allowing a resident who makes a request for a reasonable accommodation to transfer to a to a comparable unit type that has been retrofitted to provide greater accessibility at the shower if available, or prioritize the resident's request for the next available comparable unit type. This transfer shall be made at no cost to the resident (e.g., transfer fees or moving costs).</p>	4539
105	Dementia Shared Studio, ADA, Unit 30 A&B: (There are 2 of this type.)		

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
106	<p>The shower must have a 30" x 48" parallel clear floor space where the toes align with the control wall. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(vii))</p> <p>The sidewall behind the seat is a plumbing wall that is shared with the adjacent unit. It restricts the clear floor space length to only 36". The wall extends 3 1/2" into the clear floor space.</p>	<p>In all unit types where wall extends more than 1-1/2" into the clear floor space, retrofit shower seats so that the gap between the edge of the seat and face of the drywall parallel to the shower is no wider than 3 inches.</p> <p>Acceptable retrofits include: Relocate existing fold-up seat. Patch holes with professionally applied fiberglass patch and finish, extend existing blocking, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis. Replace fold-up seat with new seat that is wider and/or has fasteners that coordinate with existing shower blocking as provided by the manufacturer. Patch holes with professionally applied fiberglass patch and finish, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis.</p> <p style="text-align: right;">In</p> <p>all units where shower is not adjacent to linen closet, create and submit for DOJ approval a reasonable accommodation policy allowing a resident who makes a request for a reasonable accommodation to transfer to a to a comparable unit type that has been retrofitted to provide greater accessibility at the shower if available, or prioritize the resident's request for the next available comparable unit type. This transfer shall be made at no cost to the resident (e.g., transfer fees or moving costs).</p>	4585, 4587
107	Dementia Shared Studio, Type 2, Unit 39: (There are 2 of this type.)		
108	<p>The electrical receptacle is above the vanity on the side wall. The cabinet is not removable. If the receptacle is within 10" of the clear floor space, it must be no higher than 48". Otherwise, the receptacle must be within 24" of the clear floor space and no higher than 46" above the floor. (FHA Req. 5)</p> <p>The receptacle is more than 10" from the clear floor space and the centerline of the top outlet is about 48 1/2" above the floor.</p>	<p>If a forward approach to the lavatory is provided, then no additional action is required. Otherwise, lower the receptacle so that the centerline of the top outlet is no more than 46" above the floor.</p>	
109	<p>Clear floor space for the lavatory must be at least 30" by 48". It must be centered. If forward, knee and toe space must be provided under the lavatory. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(v))</p> <p>The parallel clear floor space for the lavatory is about 46" long and is off-center by 8 3/4". A forward approach is blocked by a vanity.</p>	<p>Acceptable retrofits include: 1) Replace existing vanity with new unit at least 32" wide and with removable base. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes. 2) Cantilever counter from the wall with braces/supports that do not obstruct knee and toe clearances. Insulate the pipes. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes.</p>	4596, 4597

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
110	<p>The shower must have a 30" x 48" parallel clear floor space where the toes align with the control wall. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(vii))</p> <p>The sidewall behind the seat is a plumbing wall that is shared with the adjacent unit. It restricts the clear floor space length to only 36". The wall extends 3 1/2" into the clear floor space.</p>	<p>In all unit types where wall extends more than 1-1/2" into the clear floor space, retrofit shower seats so that the gap between the edge of the seat and face of the drywall parallel to the shower is no wider than 3 inches.</p> <p>Acceptable retrofits include: Relocate existing fold-up seat. Patch holes with professionally applied fiberglass patch and finish, extend existing blocking, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis. Replace fold-up seat with new seat that is wider and/or has fasteners that coordinate with existing shower blocking as provided by the manufacturer. Patch holes with professionally applied fiberglass patch and finish, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis.</p> <p style="text-align: right;">In all</p> <p>units where shower is not adjacent to linen closet, create and submit for DOJ approval a reasonable accommodation policy allowing a resident who makes a request for a reasonable accommodation to transfer to a to a comparable unit type that has been retrofitted to provide greater accessibility at the shower if available, or prioritize the resident's request for the next available comparable unit type. This transfer shall be made at no cost to the resident (e.g., transfer fees or moving costs).</p>	4595, 4604
111	One Bedroom, Unit 223: (There are 3 of this type.)	Note: there are corner one bedroom, companion one bedroom, companion one bedroom ADA. Unit types are below.	
112	<p>For electrical receptacles above counters, the centerline of the top outlet must be within 46" of the floor. (FHA Req. 5)</p> <p>The centerline of the top outlet is about 49" above the floor.</p>	Lower the receptacle so that the centerline of the top outlet is no more than 46" above the floor.	4677 - 4680
113	<p>The kitchen sink has a parallel clear floor space. It must be at least 30" by 48" and centered. (FHA Req. 7(1)(a))</p> <p>The cabinet is not removable. The parallel clear floor space at the kitchen sink is off center by 12".</p>	Acceptable retrofits include: 1) Trim adjacent wing wall flush to the face of the countertop, 2) Replace countertop and relocate sink so that the centerline of the fixture is at least 24" from the sidewall, or 3) Provide removable base cabinet. Insulate the pipes. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes.	4677, 4681, 4682
114	<p>If the closet is deeper than 24", the closet door is intended for user passage. It must provide at least 31 5/8" clear opening. (FHA Req. 3(2))</p> <p>The bathroom linen closet is about 35" deep and the clear opening of the door is only 16".</p>	Install full depth shelving at linen closets. Shelves to extend from face of drywall to face of drywall.	4665

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
115	The electrical receptacle is above the vanity on the side wall. The cabinet is not removable. If the receptacle is within 10" of the clear floor space, it must be no higher than 48". Otherwise, the receptacle must be within 24" of the clear floor space and no higher than 46" above the floor. (FHA Req. 5) The receptacle is more than 10" from the clear floor space and the centerline of the top outlet is about 48 1/2" above the floor.	Provide a forward approach to the lavatory.	4663
116	Clear floor space for the lavatory must be at least 30" by 48". It must be centered. If forward, knee and toe space must be provided under the lavatory. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(v)) The parallel clear floor space for the lavatory is about 46" long and is off-center by 8 3/4". A forward approach is blocked by a vanity.	Acceptable retrofits include: 1) Replace existing vanity with new unit at least 32" wide and with removable base. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes. 2) Cantilever counter from the wall with braces/supports that do not obstruct knee and toe clearances. Insulate the pipes. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes.	4663, 4667 - 4670
117	The shower must have a 30" x 48" parallel clear floor space where the toes align with the control wall. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(vii)) The sidewall behind the seat is shared with the linen closet. It restricts the clear floor space length to only 36". The wall extends 2 3/4" into the clear floor space.	In all unit types where wall extends more than 1-1/2" into the clear floor space, retrofit shower seats so that the gap between the edge of the seat and face of the drywall parallel to the shower is no wider than 3 inches. Acceptable retrofits include: Relocate existing fold-up seat. Patch holes with professionally applied fiberglass patch and finish, extend existing blocking, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis. Replace fold-up seat with new seat that is wider and/or has fasteners that coordinate with existing shower blocking as provided by the manufacturer. Patch holes with professionally applied fiberglass patch and finish, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis. In all units where shower is not adjacent to linen closet, create and submit for DOJ approval a reasonable accommodation policy allowing a resident who makes a request for a reasonable accommodation to transfer to a comparable unit type that has been retrofitted to provide greater accessibility at the shower if available, or prioritize the resident's request for the next available comparable unit type. This transfer shall be made at no cost to the resident (e.g., transfer fees or moving costs).	4665, 4666
118	One Bedroom Corner, Type 2, Unit 101: (There are 4 of this type.)		
119	For electrical receptacles above counters, the centerline of the top outlet must be within 46" of the floor. (FHA Req. 5) The centerline of the top outlet is 48 3/4" above the floor.	Lower the receptacle so that the centerline of the top outlet is no more than 46" above the floor.	4403 - 4406

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
120	The kitchen sink has a parallel clear floor space. It must be at least 30" by 48" and centered. (FHA Req. 7(1)(a)) The cabinet is not removable. The parallel clear floor space at the kitchen sink is off center by 12".	Acceptable retrofits include: 1) Trim adjacent wing wall flush to the face of the countertop, 2) Replace countertop and relocate sink so that the centerline of the fixture is at least 24" from the sidewall, or 3) Provide removable base cabinet. Insulate the pipes. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes.	4408, 4409
121	If the closet is deeper than 24", the closet door is intended for user passage. It must provide at least 31 5/8" clear opening. (FHA Req. 3(2)) The bathroom linen closet is about 35" deep and the clear opening of the door is only 16".	Install full depth shelving at linen closets. Shelves to extend from face of drywall to face of drywall.	4388
122	The electrical receptacle is above the vanity on the side wall. The cabinet is not removable. If the receptacle is within 10" of the clear floor space, it must be no higher than 48". Otherwise, the receptacle must be within 24" of the clear floor space and no higher than 46" above the floor. (FHA Req. 5) The receptacle is more than 10" from the clear floor space and the centerline of the top outlet is 48 1/2" above the floor.	If a forward approach to the lavatory is provided, then no additional action is required. Otherwise, lower the receptacle so that the centerline of the top outlet is no more than 46" above the floor.	4396 - 4399
123	Clear floor space for the lavatory must be at least 30" by 48". It must be centered. If forward, knee and toe space must be provided under the lavatory. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(v)) The parallel clear floor space for the lavatory is about 46" long and is off-center by 8 3/4". A forward approach is blocked by a vanity.	Acceptable retrofits include: 1) Replace existing vanity with new unit at least 32" wide and with removable base. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes. 2) Cantilever counter from the wall with braces/supports that do not obstruct knee and toe clearances. Insulate the pipes. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes.	4394, 4395

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
124	<p>The shower must have a 30" x 48" parallel clear floor space where the toes align with the control wall. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(vii))</p> <p>The sidewall behind the seat is a chase wall. It restricts the clear floor space length to only 36". The wall extends 2 3/4" into the clear floor space.</p>	<p>In all unit types where wall extends more than 1-1/2" into the clear floor space, retrofit shower seats so that the gap between the edge of the seat and face of the drywall parallel to the shower is no wider than 3 inches.</p> <p>Acceptable retrofits include: Relocate existing fold-up seat. Patch holes with professionally applied fiberglass patch and finish, extend existing blocking, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis. Replace fold-up seat with new seat that is wider and/or has fasteners that coordinate with existing shower blocking as provided by the manufacturer. Patch holes with professionally applied fiberglass patch and finish, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis.</p> <p style="text-align: right;">In all</p> <p>units where shower is not adjacent to linen closet, create and submit for DOJ approval a reasonable accommodation policy allowing a resident who makes a request for a reasonable accommodation to transfer to a to a comparable unit type that has been retrofitted to provide greater accessibility at the shower if available, or prioritize the resident's request for the next available comparable unit type. This transfer shall be made at no cost to the resident (e.g., transfer fees or moving costs).</p>	4388, 4389
125	One Bedroom Corner Type 2, Unit 200: (See Unit 101 for quantity of this type.)		
126	<p>For electrical receptacles above counters, the centerline of the top outlet must be within 46" of the floor. (FHA Req. 5)</p> <p>The centerline of the top outlet is about 49" above the floor.</p>	Lower the receptacle so that the centerline of the top outlet is no more than 46" above the floor.	
127	<p>The kitchen sink has a parallel clear floor space. It must be at least 30" by 48" and centered. (FHA Req. 7(1)(a))</p> <p>The cabinet is not removable. The parallel clear floor space at the kitchen sink is off center by 12".</p>	Move sink so that the faucet is at least 24" from the sidewall.	4736, 4737
128	<p>If the closet is deeper than 24", the closet door is intended for user passage. It must provide at least 31 5/8" clear opening. (FHA Req. 3(2))</p> <p>The bathroom linen closet is about 35" deep and the clear opening of the door is only 16".</p>	Install full depth shelving at linen closets. Shelves to extend from face of drywall to face of drywall.	4741
129	<p>The electrical receptacle is above the vanity on the side wall. The cabinet is not removable. If the receptacle is within 10" of the clear floor space, it must be no higher than 48". Otherwise, the receptacle must be within 24" of the clear floor space and no higher than 46" above the floor. (FHA Req. 5)</p> <p>The receptacle is more than 10" from the clear floor space and the centerline of the top outlet is about 48 1/2" above the floor.</p>	<p>If a forward approach to the lavatory is provided, then no additional action is required.</p> <p>Otherwise, lower the receptacle so that the centerline of the top outlet is no more than 46" above the floor.</p>	

Appendix B

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
130	<p>Clear floor space for the lavatory must be at least 30" by 48". It must be centered. If forward, knee and toe space must be provided under the lavatory. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(v))</p> <p>The parallel clear floor space for the lavatory is about 46" long and is off-center by 8 3/4". A forward approach is blocked by a vanity.</p>	<p>Acceptable retrofits include: 1) Replace existing vanity with new unit at least 32" wide and with removable base. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes. 2) Cantilever counter from the wall with braces/supports that do not obstruct knee and toe clearances. Insulate the pipes. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes.</p>	4739, 4742, 4743
131	<p>The shower must have a 30" x 48" parallel clear floor space where the toes align with the control wall. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(vii))</p> <p>The sidewall behind the seat is a chase wall. It restricts the clear floor space length to only 36". The wall extends 2 1/2" into the clear floor space.</p>	<p>In all unit types where wall extends more than 1-1/2" into the clear floor space, retrofit shower seats so that the gap between the edge of the seat and face of the drywall parallel to the shower is no wider than 3 inches.</p> <p>Acceptable retrofits include: Relocate existing fold-up seat. Patch holes with professionally applied fiberglass patch and finish, extend existing blocking, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis. Replace fold-up seat with new seat that is wider and/or has fasteners that coordinate with existing shower blocking as provided by the manufacturer. Patch holes with professionally applied fiberglass patch and finish, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis.</p> <p style="text-align: right;">In all</p> <p>units where shower is not adjacent to linen closet, create and submit for DOJ approval a reasonable accommodation policy allowing a resident who makes a request for a reasonable accommodation to transfer to a to a comparable unit type that has been retrofitted to provide greater accessibility at the shower if available, or prioritize the resident's request for the next available comparable unit type. This transfer shall be made at no cost to the resident (e.g., transfer fees or moving costs).</p>	4740, 4746
132	Companion MC 2, ADA, Unit G101 A&B: (There is 1 of this type.)		
133	Walls were added during this alteration.		
134	<p>If the closet is deeper than 24", the closet door is intended for user passage. It must provide at least 31 5/8" clear opening. (FHA Req. 3(2))</p> <p>The bathroom linen closet is about 35" deep and the clear opening of the door is only 16".</p>	Install full depth shelving at linen closets. Shelves to extend from face of drywall to face of drywall.	4305

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
135	<p>The shower must have a 30" x 48" parallel clear floor space where the toes align with the control wall. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(vii))</p> <p>The sidewall behind the seat is a chase wall. It restricts the clear floor space length to only 36". The wall extends 3" into the clear floor space.</p>	<p>In all unit types where wall extends more than 1-1/2" into the clear floor space, retrofit shower seats so that the gap between the edge of the seat and face of the drywall parallel to the shower is no wider than 3 inches.</p> <p>Acceptable retrofits include: Relocate existing fold-up seat. Patch holes with professionally applied fiberglass patch and finish, extend existing blocking, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis. Replace fold-up seat with new seat that is wider and/or has fasteners that coordinate with existing shower blocking as provided by the manufacturer. Patch holes with professionally applied fiberglass patch and finish, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis.</p> <p style="text-align: right;">In</p> <p>all units where shower is not adjacent to linen closet, create and submit for DOJ approval a reasonable accommodation policy allowing a resident who makes a request for a reasonable accommodation to transfer to a to a comparable unit type that has been retrofitted to provide greater accessibility at the shower if available, or prioritize the resident's request for the next available comparable unit type. This transfer shall be made at no cost to the resident (e.g., transfer fees or moving costs).</p>	4301, 4302
136	Companion 1BR Unit, Unit 212 A&B (There are 5 of this type.)		
137	<p>For electrical receptacles above counters, the centerline of the top outlet must be within 46" of the floor. (FHA Req. 5)</p> <p>The centerline of the top outlet is about 49" above the floor.</p>	Lower the receptacle so that the centerline of the top outlet is no more than 46" above the floor.	
138	<p>The kitchen sink has a parallel clear floor space. It must be at least 30" by 48" and centered. (FHA Req. 7(1)(a))</p> <p>The cabinet is not removable. The parallel clear floor space at the kitchen sink is off center by 12".</p>	Acceptable retrofits include: 1) Trim adjacent wing wall flush to the face of the countertop, 2) Replace countertop and relocate sink so that the centerline of the fixture is at least 24" from the sidewall, or 3) Provide removable base cabinet. Insulate the pipes. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes.	
139	<p>If the closet is deeper than 24", the closet door is intended for user passage. It must provide at least 31 5/8" clear opening. (FHA Req. 3(2))</p> <p>The bathroom linen closet is about 35" deep and the clear opening of the door is only 16".</p>	Install full depth shelving at linen closets. Shelves to extend from face of drywall to face of drywall.	

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
140	The electrical receptacle is above the vanity on the side wall. The cabinet is not removable. If the receptacle is within 10" of the clear floor space, it must be no higher than 48". Otherwise, the receptacle must be within 24" of the clear floor space and no higher than 46" above the floor. (FHA Req. 5) The receptacle is more than 10" from the clear floor space and the centerline of the top outlet is about 48 1/2" above the floor.	Provide a forward approach to the lavatory.	
141	Clear floor space for the lavatory must be at least 30" by 48". It must be centered. If forward, knee and toe space must be provided under the lavatory. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(v)) The parallel clear floor space for the lavatory is about 46" long and is off-center by 8 3/4". A forward approach is blocked by a vanity.	Acceptable retrofits include: 1) Replace existing vanity with new unit at least 32" wide and with removable base. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes. 2) Cantilever counter from the wall with braces/supports that do not obstruct knee and toe clearances. Insulate the pipes. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes.	
142	The shower must have a 30" x 48" parallel clear floor space where the toes align with the control wall. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(vii)) The sidewall behind the seat is shared with the linen closet. It restricts the clear floor space length to only 36". The wall extends 2 3/4" into the clear floor space.	In all unit types where wall extends more than 1-1/2" into the clear floor space, retrofit shower seats so that the gap between the edge of the seat and face of the drywall parallel to the shower is no wider than 3 inches. Acceptable retrofits include: Relocate existing fold-up seat. Patch holes with professionally applied fiberglass patch and finish, extend existing blocking, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis. Replace fold-up seat with new seat that is wider and/or has fasteners that coordinate with existing shower blocking as provided by the manufacturer. Patch holes with professionally applied fiberglass patch and finish, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis. In all units where shower is not adjacent to linen closet, create and submit for DOJ approval a reasonable accommodation policy allowing a resident who makes a request for a reasonable accommodation to transfer to a comparable unit type that has been retrofitted to provide greater accessibility at the shower if available, or prioritize the resident's request for the next available comparable unit type. This transfer shall be made at no cost to the resident (e.g., transfer fees or moving costs).	
143	Companion 1BR ADA Unit, Unit 214 A&B and Unit 228 A&B (single occ) (There are 2 of this type.)		

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
144	For electrical receptacles above counters, the centerline of the top outlet must be within 46" of the floor. (FHA Req. 5) The centerline of the top outlet is about 49" above the floor.	Lower the receptacle so that the centerline of the top outlet is no more than 46" above the floor.	
145	The kitchen sink has a parallel clear floor space. It must be at least 30" by 48" and centered. (FHA Req. 7(1)(a)) The cabinet is not removable. The parallel clear floor space at the kitchen sink is off center by 12".	Acceptable retrofits include: 1) Trim adjacent wing wall flush to the face of the countertop, 2) Replace countertop and relocate sink so that the centerline of the fixture is at least 24" from the sidewall, or 3) Provide removable base cabinet. Insulate the pipes. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes.	
146	If the closet is deeper than 24", the closet door is intended for user passage. It must provide at least 31 5/8" clear opening. (FHA Req. 3(2)) The bathroom linen closet is about 35" deep and the clear opening of the door is only 16".	Install full depth shelving at linen closets. Shelves to extend from face of drywall to face of drywall.	
147	Lavatory pipes lack pipe protection (protection required).	Install pipe protection at lavatory.	
148	The shower must have a 30" x 48" parallel clear floor space where the toes align with the control wall. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(vii)) The sidewall behind the seat is shared with the linen closet. It restricts the clear floor space length to only 36". The wall extends 2 3/4" into the clear floor space.	In all unit types where wall extends more than 1-1/2" into the clear floor space, retrofit shower seats so that the gap between the edge of the seat and face of the drywall parallel to the shower is no wider than 3 inches. Acceptable retrofits include: Relocate existing fold-up seat. Patch holes with professionally applied fiberglass patch and finish, extend existing blocking, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis. Replace fold-up seat with new seat that is wider and/or has fasteners that coordinate with existing shower blocking as provided by the manufacturer. Patch holes with professionally applied fiberglass patch and finish, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis. In all units where shower is not adjacent to linen closet, create and submit for DOJ approval a reasonable accommodation policy allowing a resident who makes a request for a reasonable accommodation to transfer to a to a comparable unit type that has been retrofitted to provide greater accessibility at the shower if available, or prioritize the resident's request for the next available comparable unit type. This transfer shall be made at no cost to the resident (e.g., transfer fees or moving costs).	
149	MC Companion 100A&B: (There is 1 of this type)		
150	For electrical receptacles above counters, the centerline of the top outlet must be within 46" of the floor. (FHA Req. 5) The centerline of the top outlet is about 49" above the floor.	Lower the receptacle so that the centerline of the top outlet is no more than 46" above the floor.	

Birches at Arbour Square - Retrofit Plan			
Item #	Issue	Required Retrofit	Photos
151	The kitchen sink has a parallel clear floor space. It must be at least 30" by 48" and centered. (FHA Req. 7(1)(a)) The cabinet is not removable. The parallel clear floor space at the kitchen sink is off center by 12".	Acceptable retrofits include: 1) Trim adjacent wing wall flush to the face of the countertop, 2) Replace countertop and relocate sink so that the centerline of the fixture is at least 24" from the sidewall, or 3) Provide removable base cabinet. Insulate the pipes. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes.	
152	If the closet is deeper than 24", the closet door is intended for user passage. It must provide at least 31 5/8" clear opening. (FHA Req. 3(2)) The bathroom linen closet is about 35" deep and the clear opening of the door is only 16".	Install full depth shelving at linen closets. Shelves to extend from face of drywall to face of drywall.	
153	The electrical receptacle is above the vanity on the side wall. The cabinet is not removable. If the receptacle is within 10" of the clear floor space, it must be no higher than 48". Otherwise, the receptacle must be within 24" of the clear floor space and no higher than 46" above the floor. (FHA Req. 5) The receptacle is more than 10" from the clear floor space and the centerline of the top outlet is about 48 1/2" above the floor.	If a forward approach to the lavatory is provided, then no additional action is required. Otherwise, lower the receptacle so that the centerline of the top outlet is no more than 46" above the floor.	
154	Clear floor space for the lavatory must be at least 30" by 48". It must be centered. If forward, knee and toe space must be provided under the lavatory. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(v)) The parallel clear floor space for the lavatory is about 46" long and is off-center by 8 3/4". A forward approach is blocked by a vanity.	Acceptable retrofits include: 1) Replace existing vanity with new unit at least 32" wide and with removable base. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes. 2) Cantilever counter from the wall with braces/supports that do not obstruct knee and toe clearances. Insulate the pipes. Ensure that compliant knee and toe clearances are provided. Extend the wall and floor finishes.	
155	The shower must have a 30" x 48" parallel clear floor space where the toes align with the control wall. (FHA Req. 7(2)(a)(ii) or 7(2)(b)(vii)) The sidewall behind the seat is a chase wall. It restricts the clear floor space length to only 36". The wall extends 2 1/2" into the clear floor space.	In all unit types where wall extends more than 1-1/2" into the clear floor space, retrofit shower seats so that the gap between the edge of the seat and face of the drywall parallel to the shower is no wider than 3 inches. Acceptable retrofits include: Relocate existing fold-up seat. Patch holes with professionally applied fiberglass patch and finish, extend existing blocking, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis. Replace fold-up seat with new seat that is wider and/or has fasteners that coordinate with existing shower blocking as provided by the manufacturer. Patch holes with professionally applied fiberglass patch and finish, extend shower surround, and relocate shower curtain as necessary on a unit-by-unit basis. In all units where shower is not adjacent to linen closet, create and submit for DOJ approval a reasonable accommodation policy allowing a resident who makes a request for a reasonable accommodation to transfer to a to a comparable unit type that has been retrofitted to provide greater accessibility at the shower if available, or prioritize the resident's request for the next available comparable unit type. This transfer shall be made at no cost to the resident (e.g., transfer fees or moving costs).	

APPENDIX C

NOTICE TO RESIDENTS OF MODIFICATIONS TO THE PEDESTRIAN ROUTES, THE PUBLIC AND COMMON USE AREAS, AND COVERED DWELLING UNITS

Dear Resident:

This is to advise you that, as a result of a settlement in a case brought by the United States against the architect and owner of this assisted living facility, we have agreed to retrofit many of the pedestrian routes, public and common use areas, and units at this assisted living facility to provide greater accessibility for people with disabilities. We welcome persons with disabilities as residents and guests of this property. We are writing to let you know that beginning on [REDACTED], 202[REDACTED], contractors will be accessing the property to begin the process of modifying certain aspects of the public and common use areas. We expect the process to last approximately [REDACTED] weeks.

Generally, the workers will be making some modifications to the common areas to make them more accessible to persons with disabilities. We apologize for any inconveniences you may incur as a result of this work.

In addition, your unit qualifies for this work, including [brief explanation of items to be retrofitted.] Although your unit will be retrofitted automatically within [REDACTED] months, we want you to know that you may request to have your apartment modified now at no cost to you by emailing _____ at _____ or sending a letter to _____. The actual work will take no longer than several days and will not require you to move out of your existing apartment unit. However, although we do not anticipate that you will be displaced from your unit, if the repairs cause you to be displaced from your unit for more than 12 hours, the owner will provide you with alternate living arrangements during that time. In scheduling when the repairs will take place, we will try to minimize any inconvenience to you.

Please be aware that this work must be completed within [] months regardless of your intention to stay in your apartment for a longer duration. As soon as possible, we will let you know the approximate time frame when the modifications to your apartment unit will begin. If you have any questions or concerns regarding these modifications, please contact us at [] .

APPENDIX D

PROPERTY SURVEY AND MEASUREMENT PROTOCOL

A. Definitions

The following definitions apply to Property Surveys, Retrofits, and Inspections conducted pursuant to this Order and Appendices:

1. Clear floor space: a 30” by 48” space positioned at, for example, fixtures, controls, dispensers, devices, accessories, waste receptacles, drop boxes and drop slots, life safety equipment, hooks, and common area amenities such as grills and fire pits that are required to be accessible.
2. Flag: a segment of concrete paving separated by a control joint or construction joint.
3. ISA: the International Symbol for Accessibility.



4. Juliet balcony: a shallow balcony less than 30” deep measured from the face of the building to the inside face of the railing.
5. Lavatory: a bathroom sink.
6. Rise: the vertical change in elevation between two points.
7. Unit type(s): each unit type in a covered property as differentiated by number of bedrooms, number of bathrooms, kitchen design, bathroom design(s), laundry area design, type of outdoor space (*e.g.*, patio versus balcony), and interior amenities (*e.g.*, fireplace, study nook, storage closet(s)). Variations of unit types that have accessible characteristics such as grab bars and knee space at sinks and lavatories are separate unit types.
8. HUD-recognized safe harbor: any of the following used in its entirety as a reference to conduct a Property Survey: (1) the Fair Housing Accessibility Guidelines (Mar. 6, 1991) (“HUD Guidelines” or “Guidelines”), in conjunction

with the Supplement to Notice of Fair Housing Accessibility Guidelines: Questions and Answers About the Guidelines, June 28, 1994; (2) HUD's Fair Housing Act Design Manual ("Design Manual"), published by HUD in 1996, updated in 1998; (3) ANSI A117.1-1986, used in conjunction with the FHA, HUD's Regulations, and the Guidelines; (4) CABO/ANSI A117.1-1992, used in conjunction with the FHA, HUD's Regulations, and the Guidelines; (5) ICC/ANSI A117.1-1998, used in conjunction with the FHA, HUD's Regulations, and the Guidelines; (6) 2000 ICC Code Requirements for Housing Accessibility; (7) 2000 IBC, as amended by the 2001 Supplement to the IBC; (8) 2003 IBC, with one condition; (9) ICC/ANSI A117.1-2003, used in conjunction with the FHA, HUD's Regulations, and the Guidelines; (10) 2006 IBC, with the January 31, 2007, erratum and with one condition; (11) ICC/A117.1 2009, used in conjunction with the FHA, HUD's Regulations, and the Guidelines; and (12) 2009, 2012, 2015, and 2018 editions of the IBC. 24 C.F.R. § 100.205(e)(1)-(2).

9. This Order and Appendices incorporate by reference the definitions found in the HUD-recognized safe harbor used to conduct the Property Survey.

B. Scope of the Property Survey

1. The Property Survey will include all exterior and interior public and common use areas and as many units as required to determine the full extent of project compliance with FHA and relevant ADA requirements, including:
 - a. All portions of exterior and interior routes and circulation paths as required to determine existing conditions at all accessible route(s) and any potential alternate routes that may provide access to common areas or units;
 - b. All interior and exterior public and common use areas; and
 - c. At least two of each unit type.
2. Employee only areas (*e.g.*, leasing workroom, staff-only package room, commercial kitchen areas, and staff restroom) do not need to be surveyed.
3. If an accessibility survey of a Subject Property has been completed by an approved surveyor or inspector prior to the entry of this Order, those measurements may be reused and additional Property Surveys may be limited to site evaluation of any portions of routes, common areas, or units that were not surveyed or lack sufficient documentation of the survey results.

C. Equipment

1. The following equipment is required for all Property Surveys and Inspections conducted pursuant to this Order and Appendices:
 - a. A standard 1” steel measuring tape;
 - b. A 24” nominal bar with a 6 1/2” digital inclinometer known as the SmartTool™ (“digital level”) or an equivalent instrument (other brands of digital levels capable of measuring to a precision of 0.1% may be used including, for example, Bosch, Milwaukee, and Stabila). Calibrate the digital level according to the manufacturer’s instructions followed by performing a 180-degree check reading prior to taking any measurements. Check calibration of the digital level at regular intervals during the survey and anytime the digital level is dropped or hit against another surface;
 - c. A digital camera with minimum 16 megapixel resolution; and
 - d. A standard door pressure gauge manufactured for this purpose.
2. The following equipment is optional for all Property Surveys and Inspections conducted pursuant to this Order and Appendices:
 - a. Standard surveyor instruments;
 - b. A digital altimeter (Zipline or equivalent instrument) calibrated according to the manufacturer’s instructions;
 - c. Short digital inclinometer; or
 - d. Carpenter’s square or contour gauge.

D. Required Methodology and Documentation for Measurements of Length, Width, Height, or Clearance

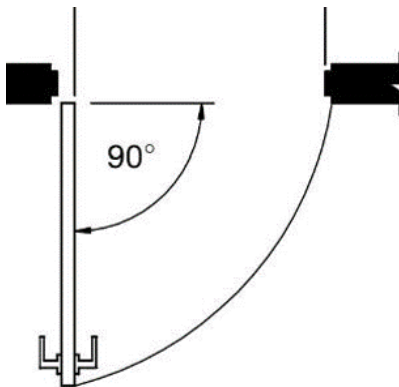
1. Measurements of length, width, height, or clearance: measure length, width, height, or clearance using the measuring tape and record all findings with the camera. The camera must be held square to the element and aligned to reduce parallax. Where possible, use the level to make sure that measurements are accurate and that the photograph is legible.

Illustration:



2. Measurements of slope: measurements of slope will be measured in percentages recorded to the tenth of a percent.
3. Measurements of length, width, height, or clearance: measurements of length, width, height, or clearance will be recorded in 1/8" increments.
4. Width of door opening: open the door to a 90 degree open position, measure from face of door to the edge of the stop on the opposing jamb.

Illustration:



If unable to open the door to a full 90 degrees due to an obstruction, photograph and document the obstruction and measure and record the width of the door leaf.

5. Parking and access aisle dimensions: measure from the centerline of the stripe to centerline of the stripe. Alternatively, measure from one side of the stripe to the same side of the stripe on the other side of the parking space.

6. Heights: measure heights of elements used by residents or members of the public to the top-most and bottom-most operating button, receptacle, etc., not to the centerline of the device, with the exception of electrical receptacles. For duplex electrical receptacles, the measurement is to the centerline of the top outlet (maximum height) or centerline of the bottom outlet (minimum height). Where elements are operated with a fob or motion sensor, the height measurement may be anywhere within the design sensitivity range.
7. Closet depth: measure closet depth from front of closet drywall to back of closet drywall on the inside of the closet.
8. Kitchen clearances: measure kitchen clearances from the edge of the counters to the opposing counters, cabinets, appliances, or walls. Do not include knobs at stoves, handles at refrigerators, and similar elements.
9. Slope:
 - a. Running slopes: measure running slopes by placing the digital level in a 36"-wide portion along the centerline of each flag perpendicular to travel and parallel to the run of the accessible route. If a route lacks control joints and construction joints (*e.g.*, is asphalt or brick paving), measure slopes at approximately 8' intervals along the route.
 - b. Cross slopes: measure cross slopes by placing the digital level in a 36"-wide portion along each flag perpendicular to travel and in a manner that is perpendicular to the run of the accessible route. If a route lacks control joints and construction joints (*e.g.*, is asphalt or brick paving), measure slopes at approximately 8' intervals along the route. If a flag appears to have significant warp, take additional measurements in order to report the full nature and extent of the existing conditions.
 - c. Slopes at door maneuvering spaces: measure slopes at door maneuvering spaces with at least one reading for running slope and one reading for cross slope. If the surface appears to be warped, take additional measurements in order to report the full nature and extent of the existing conditions. Measure running and cross slopes at door maneuvering spaces as follows:
 - i. Measure running slope perpendicular to and centered on the entrance door served by the maneuvering space with the end of the digital level approximately one foot from the face of the door; and

- ii. Measure cross slopes parallel to and centered on the entrance door served by the maneuvering space with the center of the digital level approximately one foot from the center point of the entrance door.
- d. Slopes at clear floor or ground spaces: measure running slopes and cross slopes at clear floor or ground spaces associated with amenities and controls (*e.g.*, the clear space at a power door operator) and at level landings and turns with at least one reading for running slope and one reading for cross slope. If the surface appears to be warped, take additional measurements in order to report the full nature and extent of the existing conditions.
- e. Slopes at curb ramps:
 - i. Running slopes: measure running slopes at the base and top of each curb ramp run. Measure running slopes at approximately the center of each top and bottom landing. Measure running slopes of aprons with the level aligned with the back of the curb line. Take additional measurements as needed to document warped conditions.
 - ii. Cross slopes: measure cross slopes at the base and top of each curb ramp run. Measure cross slope at approximately the center of each top and bottom landing. Take additional measurements as needed to document warped conditions.
- f. Slopes at parking spaces and access aisles:
 - i. Running slopes: measure running slopes at the top, middle, and bottom of each parking space and each access aisle. Measurements should be taken as close to the middle of the space (from side to side) as possible. If the space is occupied, take measurements at both sides. Take additional measurements as needed to document warped conditions or deteriorated asphalt.
 - ii. Cross slopes: measure cross slopes at the top, middle, and bottom of each parking space and each access aisle. Measurements should be taken as close to the middle of the space (from side to side) as possible. If the space is occupied,

take measurements at both sides. Take additional measurements as needed to document warped conditions or deteriorated asphalt.

10. Rise: measure rise using standard surveyors instruments, a measuring tape, a calibrated altimeter, or determine by performing calculation using data gathered using the level and measuring tape.
11. Door opening force: measure door opening force by pushing the force gauge against the portion of the door just above the latch or push plate. Do not include the force required to operate the latch. When recording closing speed, include the degrees used for the measurement (*e.g.*, 5 seconds, 90 degrees to completely closed or 2-1/2 seconds, 70 degrees to 3" from closed).
12. Field Notes: include survey date, people present, name of project, address, site plan or sketch, plans of the building(s) if available, unit plans, and any notes taken during the survey.
13. Digital photographs: include at least one context photo and at least one detail photo of the reading for each measurement.

Illustration: sample context photo



Illustration: sample photo of reading/dimension



APPENDIX E

NOTICE

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

)
UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
J. RANDOLPH PARRY ARCHITECTS, PC, et al.,)
)
Defendants.)
_____)

**NOTICE TO POTENTIAL VICTIMS OF ALLEGED DISCRIMINATION AGAINST
PERSONS WITH DISABILITIES AT THE J. RANDOLPH PARRY ARCHITECTS -
DESIGNED COMPLEX—BIRCHES AT HARLEYSVILLE**

On [REDACTED], 20[REDACTED], the United States District Court for the Eastern District of Pennsylvania entered a Consent Order resolving claims against one of the defendants in a housing discrimination lawsuit brought by the United States against J. Randolph Parry Architects, PC, and several assisted living facilities and retirement homes. The United States alleges that the units and many common use areas (for example, assisted living rooms, restrooms, routes to amenities, etc.) are not accessible to persons with physical disabilities. HCRI denies the United States' allegations, but is cooperating with the United States to resolve these claims.

In this Consent Order, Defendant, HCRI Pennsylvania Properties, Inc., agreed to retrofits of the units and common use areas at the Birches at Harleysville in Harleysville, PA to comply with the Fair Housing Act and the Americans with Disabilities Act.

The Consent Order also establishes a Settlement Fund to compensate persons who have been harmed as a result of this alleged discrimination at the Birches at Harleysville. You or members of your family may qualify to recover from the Settlement Fund if you or members of your family allege that you or they:

- were discouraged from living at the Birches at Harleysville because of the lack of accessible features of a unit or the complex;

- became a resident at the Birches at Harleysville, but were unable to use, or had difficulties using, portions of your unit or the complex because they were not accessible (including the inability to have visitors who have disabilities);
- became a resident at the Birches at Harleysville and paid to have any portion of your unit or the complex modified to be more accessible;
- were not informed about, or offered, all available units because of your disability or the disability of someone who would be living with you; or
- requested a reasonable accommodation or reasonable modification for your disability or the disability of someone who was living with you, whether or not it was granted.

If you believe that you, a family member, or someone you know may have been harmed because of a disability at the Birches at Harleysville, please contact the United States Department of Justice at: 1-833-591-0291, and selection option numbers (1-4-1).

You also may write to United States Department of Justice, Civil Rights Division, Housing and Civil Enforcement Section, 4 Constitution Square, 150 M Street, NE, Suite 8000, Washington, D.C. 20530, Attn: DJ 175-62-408.

***** You must call or write no later than 365 days from the entry of the Consent Order to be eligible for compensation, and your telephone message or letter must include your name, address, and, if possible, at least two telephone numbers where you may be reached.**

APPENDIX F

RELEASE OF ALL CLAIMS

In consideration of and contingent upon the payment of the sum of (\$), in accordance with the Consent Order between Plaintiff United States and Defendant HCRI Pennsylvania Properties, Inc. entered in *United States v. J. Randolph Parry Architects, PC, et al.* (E.D. Pa.), by the United States District Court, I hereby release and forever discharge the Birches at Harleysville and HCRI Pennsylvania Properties, Inc. from any and all liability for any claims, legal or equitable, I may have against them arising out of the issues alleged in this action that involve the Birches at Harleysville facility in Harleysville, PA, as of the date of the entry of the Consent Order. I fully acknowledge and agree that this release of the Birches at Harleysville and HCRI Pennsylvania Properties, Inc. will be binding on my heirs, representatives, executors, successors, administrators, and assigns. I hereby acknowledge that I have read and understand this release and have executed it voluntarily and with full knowledge of its legal consequences.

(Signature)

NAME: _____

ADDRESS: _____

DATE: _____

APPENDIX G

ACKNOWLEDGMENT OF RECEIPT OF CONSENT ORDER

On _____, I received copies of and have read the Consent Order entered by the federal district court in *United States v. J. Randolph Parry Architects, PC, et al.* (E.D. Pa.) involving HCRI Pennsylvania Properties, Inc. and the Birches at Harleysville. I have had all of my questions concerning the Consent Order, the Fair Housing Act, and the Americans with Disabilities Act answered to my satisfaction.

(Signature)

(Print name)

(Position)

(Date)

APPENDIX H

CERTIFICATION OF FAIR HOUSING AND

AMERICANS WITH DISABILITIES ACT TRAINING

On _____, I attended training on the federal Fair Housing Act and Americans with Disabilities Act, including its requirements concerning physical accessibility for people with disabilities. I have had all of my questions concerning the Fair Housing Act and Americans with Disabilities Act answered to my satisfaction.

(Signature)

(Print name)

(Position)

(Date)